



CASE REPORT

1. Complaint reference number	347/08
2. Advertiser	Wicked Campers
3. Product	Travel
4. Type of advertisement	Transport
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 10 September 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The comments on this transport advertisement read "If you woke up with \$100 in your pocket and a sore arse, would you tell anyone?"

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

This slogan is inappropriate as it suggests that rape can be OK depending on the amount of paid. It could suggest that anal sex is acceptable between non-consenting persons. It is also not appropriate for young children to be reading. Children have the ability to read the words yet lack the mental capability to understand the phrase or the suggestive nature.

I saw an absolutely foul Wicked Camper - registration (in Victoria) TJP 533 on Thursday evening in Cairns on my way to the airport. The taxi driver was horrified too. This sort of thing should not be allowed. Because it was very dirty.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Thank you for allowing us to respond to the complaints listed in your email dated 22 Aug 2008. Unfortunately, we are unable to supply you with the information you requested. As art is not covered under the AANA Advertisers Code of Ethics, we are unable to supply you with a copy of a non-existent advertisement. I can confirm however that we do have a camper with the slogan 'If you woke up with \$100 dollars in your pocket and a sore arse would you tell anyone?' having seen it recently but do not know which camper it is on.

The complainant alleges that this slogan breaches section 2.3 of the code relating to portrayal of sex, sexuality or nudity by endorsing rape and non-consensual anal sex.

On examination, it is evident that the slogan in no way endorses rape. It does not reference anal or any other kind of sex, nor portray any form of sexuality. The statement merely asks the reader a question and any attempt to interpret it sexually reflects the mindset and dominant paradigm of the reader, not the statement itself.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this marketing communication breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered the application of Sections 2.3 and 2.5 relating to sex, sexuality and nudity and language.

The Board considered firstly whether the language used (and in particular the word "arse") was appropriate in the circumstances. The Board noted that the van was available for general viewing and that some people may regard the language as inappropriate for the general public. However, on balance, the Board determined that most reasonable adults would not find the words used offensive.

The Board then considered whether the marketing communication breached the provision relating to the treatment of sex, sexuality and nudity. The Board noted that the wording could be suggestive of non-consensual sex, contrary to law and community standards. However, the Board considered the meaning was unclear and that different interpretations may be available.

The Board was divided in its opinion on the acceptability of this marketing communication. However, upon taking a vote, a narrow majority of the Board decided that the advertisement did not breach Sections 2.3 or 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.