

<b>COMPLAINT NUMBER</b>	15/341
<b>COMPLAINANT</b>	Stop Demand Foundation
<b>ADVERTISER</b>	Nulon Oil
<b>ADVERTISEMENT</b>	Nulon Oil Radio
<b>DATE OF MEETING</b>	8 September 2015
<b>OUTCOME</b>	Upheld

## SUMMARY

The radio advertisement for Nulon Oil played on Newstalk ZB. The script used heavy double entendre to advertise the vehicle oil. A woman was heard moaning in the background during the advertisement.

The Complainant said the content of the advertisement was offensive, degraded women and used sex to sell an unrelated product. The Complainant also said the placement of the advertisement immediately after a story from a survivor of childhood sex abuse, was particularly inappropriate and amplified the offence.

The Complaints Board noted the advertisement relied on heavy, but acceptable double entendre, to advertise the product. However, it said the sound of the woman moaning with pleasure removed what would have been acceptable ambiguity to the point the advertisement became overtly sexual in nature.

The Complaints Board noted the advertisement had played on Newstalk ZB in error and it acknowledged the Media had taken immediate action and removed the advertisement within hours of first playing. However, it said it was extremely unfortunate such an advertisement also played immediately after a programme that featured survivors of sexual abuse and it sympathised with the offence programme participants and listeners took from the placement of the advertisement.

The Complaints Board ruled to Uphold the complaint.

### **[Advertisement to be removed]**

Please note this headnote does not form part of the Decision.

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## COMPLAINTS BOARD DECISION

The Acting Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics and Basic Principles 5 and 6 of the Code for People in Advertising. Basic Principle 4 of the Code of Ethics required the Complaints Board to consider whether or not the advertisement was prepared with a due sense of social responsibility to consumers and society. Rules 4 and 5 required the Complaints Board to consider whether it contained anything which clearly offended against generally prevailing community standards taking into account the context, medium, audience and product (including services) or which was likely to cause serious or widespread offence.

Basic Principle 5 of the Code for People in Advertising requires that people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Basic Principle 6 allowed for the use of stereotypes and humour in advertising but not in a way reasonably likely to cause serious or widespread offence in the light of generally prevailing community standards.

The Complainant said the content of the advertisement was offensive, degraded women and used sex to sell an unrelated product. The Complainant also said the placement of the advertisement immediately after a story from a survivor of childhood sex abuse, was particularly inappropriate and amplified the offence.

The Complaints Board noted the Advertiser had not responded to the complaint. However, the Media, NZME had responded with regard to the placement of the advertisement.

The Complaints Board turned first to consider the content of the advertisement.

### Content

After listening to the advertisement, the Complaints Board noted the advertisement relied on heavy but acceptable double entendre, to advertise the product. However, it said the sound of the woman moaning with pleasure removed that ambiguity to the point the advertisement became overtly sexual in nature.

The Complaints Board said the sexual tone of the advertisement was at a level that was likely to offend against generally prevailing community standards and cause widespread and serious offence and was not saved by the provision for humour allowed under Basic Principle 6 of the Code for People in Advertising. The obvious sexual tone of the advertisement also meant the advertisement had used sexual appeal simply to draw attention to an unrelated product.

### Placement

When considering the placement of the advertisement, the Stop Demand Foundation said: "While we appreciate the tricky issue of bulk ad purchasing and placement, and acknowledge that the ad would not have been intentionally placed, nonetheless companies that profit from advertising should take greater responsibility.

Feedback to Stop Demand has included the view that the poorly-placed ad made 'a mockery' of the survivor's story, and the segment on sexual violence that followed."

The Complaints Board then turned to the response from the Media, NZME, and noted where it stated: "... it was the Creative Director's understanding that the advertisement would only play on Radio Sport and Hauraki, both strongly male-targeted stations with a fairly loose

approach to content, it was not considered that the advertisement would breach the Codes in such a context.

The ad should never have played on Newstalk ZB, and as soon as we became aware that it had indeed been scheduled, it was taken off air, within hours of first playing.

The ad in question has been **withdrawn.**"

The Complaints Board noted the advertisement had played on Newstalk ZB in error and it acknowledged the Media had taken immediate action and removed the advertisement within hours of first playing. However, it said it was extremely unfortunate such an advertisement also played immediately after a programme that featured survivors of sexual abuse and it sympathised with the offence programme participants and listeners took from the placement of the advertisement.

In light of these observations, the Complaints Board said the advertisement and its placement, was in breach of Basic Principle 4 and Rules 4 and 5 of the Code of Ethics and Basic Principles 5 and 6 of the Code for People in Advertising.

Accordingly, the Complaints Board ruled to Uphold the complaint.

## **DESCRIPTION OF ADVERTISEMENT**

The radio advertisement for Nulon Oil played on Newstalk ZB. The script used heavy double entendre to sell its vehicle lubricant. The male voiceover stated: "Before you take her for a ride [a woman's voice can be heard moaning]; before you turn her over [woman moans louder]; you might want to look under her hood ... and check her lubrication. Treat her, to the world's best engine oil. From Nulon Oils. In 52 independent tests, Nulon beat the world's biggest brands. So love your car. And put the world's best to the test. Nulon. Now available at Super Cheap Auto and Repco."

## **COMPLAINT FROM STOP DEMAND FOUNDATION**

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Stop Demand Foundation (Stop Demand) seeks to lodge a complaint regarding an advertisement that is currently being aired on radio. Stop Demand is a charitable organisation that works to reduce sexual violence, sexual exploitation and sexual denigration of women and children.

A one-minute soundclip that includes the ad, which aired on Newstalk ZB Auckland at approximately 12:20 pm on Thursday, 23 July 2015, is attached. We have since heard the ad airing on other occasions. The script of the ad is: "Before you take her for a ride [a woman's voice can be heard moaning]; before you turn her over [woman moans louder]; you might want to look under her hood ... and check her lubrication. Treat her, to the world's best engine oil. From Nulon Oils. In 52 independent tests, Nulon beat the world's biggest brands. So love your car. And put the world's best to the test. Nulon. Now available at Super Cheap Auto and Repco."

### **Advertising Code of Ethics**

Stop Demand believes the advertisement breaches Basic Principle 4 and Rules 4 and 5 of the Advertising code of Ethics. In particular,

- **Basic Principle 4:** We believe that the ad has not been "prepared with a due sense of social responsibility to consumers and to society".

- **Rules 4 (Decency) and 5 (Offensiveness):** We would argue that the ad "clearly offends against generally prevailing community standards" and "is likely to cause widespread offense" while "taking into account the context, medium, audience and product".

Stop Demand believes the ad - which aired during the daytime to a mixed male/female audience of Newstalk ZB listeners - is offensive in the double entendres used eg "before you take her for a ride", "look under her hood", and "check her lubrication". The sounds of a woman, moaning, reinforce the sexualised intent of the ad. In the context of the words and accompanying sounds preceding it, the phrase "treat her to the world's best engine oil" could, arguably, be intended to convey male ejaculate. The ad is dehumanising and demeaning to women.

### **Code for People in Advertising**

It is the view of Stop Demand that those responsible for the advertisement have breached Basic Principle 5 which prohibits ads that "employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products". The ad, in instructing men that before sex ("a ride"), they should turn a woman over, look under her "hood" (clitoral hood?), and check to see if she is sexually lubricated, is exploitative and degrading to women. Further, the ad clearly falls foul of the prohibition against "us(ing) sex simply to draw attention to an unrelated product". It is stating the obvious to say that the act of sex is unrelated to car engine oil. We reject any attempt by the advertiser or broadcaster to claim the ad falls within acceptable "humorous and satirical treatment" of women.

### **Placement of ad inappropriate**

Additionally, the placement of the ad was highly inappropriate. It ran less than one minute after a survivor of childhood sex abuse, put forward by Stop Demand, had courageously shared her story with a sensitive Danny Watson, following which Danny invited callers to phone in to discuss issues around sexual violence. While we appreciate the tricky issue of bulk ad purchasing and placement, and acknowledge that the ad would not have been intentionally placed, nonetheless companies that profit from advertising should take greater responsibility. Feedback to Stop Demand has included the view that the poorly-placed ad made "a mockery" of the survivor's story, and the segment on sexual violence that followed.

Last year TVNZ apologised for airing a condom advertisement during a television movie about one of New Zealand's most high-profile rape trials. We consider the placement of this ad to be equally poor form. While the condom ad did not itself breach advertising standards, we would argue that the placement of this advertisement is more serious in that the ad itself breached the Code.

### **Prevailing Community Standards**

Recent widespread "push back" over "crotch-gate" and other local incidents is indicative, we believe, of a society that is becoming increasingly fed-up with women being sexually denigrated "for the boys".

### **The Broadcaster**

By using sex to sell an unrelated product, this ad was in clear breach of the Code. The experienced broadcaster would have been well aware of this fact. In deliberately airing this ad, and profiting from it, the broadcaster appears to hold a dismissive attitude towards the Code and the need for compliance. It should be strongly reprimanded. The broadcaster also shows a disappointing lack of respect towards women generally and its female audience specifically.

## CODE OF ETHICS

**Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 4: Decency** - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

**Rule 5: Offensiveness** - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

## CODE FOR PEOPLE IN ADVERTISING

**Basic Principle 5** - Advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.

**Basic Principle 6** - Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule

## RESPONSE FROM ADVERTISER, NULON OIL

Note: Despite numerous attempts by the Secretariat to contact the Advertiser, the ASA has received no response.

## RESPONSE FROM MEDIA, NZME

I have received [the] complaint this morning.

The advertisement in question was developed at the directive of the client.

As it was the Creative Director's understanding that the advertisement would only play on Radio Sport and Hauraki, both strongly male-targeted stations with a fairly loose approach to content, it was not considered that the advertisement would breach the Codes in such a context.

The ad should never have played on Newstalk ZB, and as soon as we became aware that it had indeed been scheduled, it was taken off air, within hours of first playing.

The ad in question has been **withdrawn**.