

COMPLAINT NUMBER	19/100
COMPLAINANT	S Randall
ADVERTISER	Macdonald Halligan Motors Ltd
ADVERTISEMENT	Macdonald Halligan Motors Ltd Billboard
DATE OF MEETING	2019
OUTCOME	Not Upheld

SUMMARY

The billboard advertisement for Macdonald Halligan Motors says, in large font: “OUR CARS ARE WORTH CLOSER INSPECTION”. To the right of this text is a photo of a woman standing in front of a red sports car. The woman is wearing a sleeveless black dress which shows some cleavage. She is holding the hem of her dress with her right hand and looking down at the viewer.

The Complainant was concerned the advertisement objectifies women by portraying the woman in the advertisement as something to look good next to your car. The Complainant said the sexual depiction of the woman pictured is not relevant to selling a car.

The Advertiser said the billboard does not contain anything which would cause serious or widespread offence and does not use sexual appeal in a manner which is degrading to any group of people. The Advertiser said cars and women have always been associated.

A majority of the Complaints Board said while content of the advertisement was outdated it did not reach the threshold to be considered indecent, exploitative or degrading, and was not likely to cause harm or serious or widespread offence.

A minority of the Complaints Board disagreed. The minority said the advertisement is “in poor taste” and it is no longer acceptable to use images of sexually attractive women to sell cars. The minority said there is no relationship between used cars and women and this advertisement serves to objectify women.

In accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

[No further action required]

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

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the complaint with reference to Principle 1 and Rule 1 (c) of the Advertising Standards Code.

Principle 1 - Social Responsibility required the Complaints Board to consider whether the advertisement had been prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) - Decency and Offensiveness required the Complaints Board to consider whether the advertisement contained anything that is indecent, exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the advertisement objectifies women by portraying the woman in the advertisement as something to look good next to your car. The Complainant said the sexual depiction of the woman pictured is not relevant to selling a car.

The Advertiser's response

The Advertiser said the billboard does not contain anything which would cause serious or widespread offence and does not use sexual appeal in a manner which is degrading to any group of people. The Advertiser said cars and women have always been associated.

Precedents

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 10/590 and 18/357, both of which were Not Upheld, by majority vote.

Decision 10/590 concerned an advertisement on the wall of a building which depicted a woman astride a motorbike, wearing a thong bikini. The majority of the Complaints Board was of the view that although the image of the woman who dominated the advertisement was scantily clad and provocatively posed, the advertisement was not explicit in its composition. They found that while some people may consider the image distasteful, the overall impact of the advertisement was reduced as it was situated in an industrial area and not a high visibility area such as the central part of the city.

A minority disagreed. The minority expressed concerns about the size of the image, the way in which the woman was dressed, and how she was posed and although they acknowledged that the "stereotypical relationship between women and cars" still existed, they were of the view that social mores had changed over the last few years and, as a result, there was less tolerance toward the continued objectification of women in advertisements in today's cultural climate.

Decision 18/357 concerned an advertisement which showed a photo of a woman holding a bottle of wine which she has taken out of a wooden box. To the right of this photo is a checklist with the items: Elegant, Desirable, Voluptuous and Great Body. The text then says "Our en primeur wine selection ticks all the boxes". The majority of the Complaints Board said the advertisement was elegant and tasteful and did not use sexual appeal in a manner that was exploitative or degrading of women. A minority disagreed and said the way the advertisement linked the words which describe both wine and women served to objectify women and therefore the advertisement is using sex appeal to draw attention to an unrelated product.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout was the Advertiser has good quality cars and they're worth a further look. The Complaints Board said some consumers may

consider the wording in the advertisement was an invitation to have a closer look at the woman.

The Complaints Board noted the billboard is located so it faces the Southern Motorway. It is also opposite the Ellerslie train station in Auckland, which is used by school students, as well as general commuters.

Have community standards changed since this advertisement was last considered?

The Complaints Board noted it had received previous complaints about the same billboard, in 2013, 2014 and in 2016, which were ruled No Grounds to Proceed or Withdrawn. The Complaints Board agreed community standards have changed since 2016, particularly with the emergence of the #metoo movement and the greater publicity about the sexual assault of women. The Complaints Board noted there have been changes to the Formula One use of “grid girls” and the Tour de France use of “podium girls”.

Does the advertisement contain anything that is indecent, exploitative or degrading, or likely to cause harm or serious or widespread offence?

A majority of the Complaints Board said while the content of the advertisement was outdated it did not reach the threshold to be considered indecent, exploitative or degrading, and was not likely to cause harm or serious or widespread offence.

This is because the woman featured in the advertisement is not scantily clad and her dress only reveals a hint of cleavage. While the reason the woman is clutching the hem of her dress is ambiguous, this gesture is not a focal point of the advertisement and could not be considered indecent.

A minority of the Complaints Board disagreed. The minority said the whole advertisement is “in poor taste” as it is no longer acceptable to use images of sexually attractive women to sell cars. The minority said there is no relationship between used cars and women and this advertisement serves to objectify women. The minority said the way the woman is clutching the hem of her dress, near her crotch, is designed to be suggestive and the effect of this is exploitative.

Is the advertisement socially responsible?

A majority of the Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 or Rule 1 (c) of the Advertising Standards Code.

A minority of the Complaints Board disagreed. The minority said the advertisement was not socially responsible. It objectified women and was visible to a wide cross section of the community, as it was on a billboard in a prominent place. The advertisement was therefore in breach of Principle 1 and Rule 1 (c) of the Advertising Standards Code.

In accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The billboard advertisement for Macdonald Halligan Motors says, in large font: "OUR CARS ARE WORTH CLOSER INSPECTION". To the right of this text is a photo of a woman standing in front of a red sports car. The woman is wearing a sleeveless black dress which shows some cleavage. She is holding the hem of her dress with her right hand and looking down at the viewer.

COMPLAINT FROM S RANDALL

I believe this ad to be in breach of the Advertising Standards Code, Rule 1 (c) Decency Guidelines and Offensiveness. In particular the second bullet point that states "advertisements must not exploit, degrade, denigrate, demean or objectify any person or group of persons etc." I believe this billboard objectify's women. It is an advertisement for cars, it is not selling the women in front, so she is not relevant to the ad. It encourages the viewer to "take a closer look" at the car, which is not possible as a woman who is standing suggestively with her hand between her legs, wearing a low cut top, fish net stockings and in a little black dress is in the way. This ad treats women as an object - something to look good next to your car. It perpetuates the culture that women are only their for their sexuality and have no thoughts feelings or emotions.

The placement of this billboard along the Ellerslie train station is disturbing as many school children embark and disembark to go to school. New Zealand is trying to move away from a culture of violence against women, misogyny etc and having this advert where school age children see it every day shows that adult New Zealanders are not serious about changing this culture. The final two bullet points under Rule 1 (c) are also very relevant in this context. The sexual imagery is not appropriate for school children and the sexual depiction of this woman is not relevant to selling a car. Thank you for reading my submission.

CODES OF PRACTICE

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c): Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

RESPONSE FROM ADVERTISER, MACDONALD HALLIGAN MOTORS LTD

Contact person for advertising complaints	Ross Macdonald
Name and contact at creative agency	N/A
Name and contact at media agency	N/A
A basic, neutral description of the advertisement	Inviting the public to inspect our used vehicles at 5 Kalmia St Ellerslie
Date advertisement began	Prior to February 2013
Where the advertisement appeared (all	Billboard 15 Kalmia St facing the motorway

locations e.g. TV, Billboard, Newspaper Website	
Is the advertisement still accessible – where and until when?	Yes
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	N/A
Who is the product / brand target audience?	Purchasers of used vehicles
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	Okay

This billboard does not contain anything which would cause serious or widespread offence in light of generally prevailing community standards.

1. Only one complaint since June 2016.
2. Complainants in 2013 ... Refer decision 13/072 which found no problem with this billboard.

The billboard does not employ sexual appeal in a manner which is exploitive and degrading of any individual or group of people. The girl in the billboard could easily walk down Queen Street and not raise any eyebrows.

As a seller of quality used cars and a business established in 1938 with Directors who are both B Coms and Chartered Accountants we value our female and male customers and do not wish to affect sales to either sex, we do not consider our billboard damages our image to customers but accept there may be a rare complaint by an overly sensitive person.

Automobiles and women have always been associated ie at motor shows where models highlight the vehicles benefits and features to prospective customers both female and male. The Dodge Viper in the billboard is not sold in NZ however we used it to bring attention to our message on the billboard: OUR CARS are worth closer inspection. We were not trying to sell a Dodge Viper.

It seems strange that the matter has been brought before the ASA again after being dismissed previously refer complaint numbers 13/072, 14/647, 16/201.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.