



Case Report

1	Case Number	0040/15
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Transport
5	Date of Determination	25/02/2015
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Sexual preference
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

Wicked Campers' van with the rego, 'UIT 089' and the slogan, "Gay guys settle disputes by going outside and exchanging blows'.

THE COMPLAINT

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

It is homophobic.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The advertiser did not provide a response.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement is homophobic.

The Board viewed the advertisement and noted the advertiser had not provided a response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted this advertisement features a slogan on the back of a Wicked Campers’ van which reads, “Gay guys settle disputes by going outside and exchanging blows”.

A minority of the Board considered that the advertisement is not making fun of gay men and that most members of the community would find the advertisement to be amusing rather than offensive or homophobic.

The majority of the Board however considered that the advertisement suggests that gay men would perform oral sex on each other in order to settle a dispute and in the Board’s view this suggestion is singling gay men out as different to other men and labelling their behaviour in a manner which is offensive and vilifying. The majority of the Board considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their sexual preference.

The Board determined that the advertisement did breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the reference to ‘exchanging blows’ can be interpreted as meaning having a fight or engaging in oral sex. The Board noted that the reference to ‘gay guys’ enforces the double entendre referring to oral sex but considered that this reference is unlikely to be understood by children and that ‘exchanging blows’ is a phrase often used in relation to settling a dispute. The Board acknowledged that most members of the community would find the advertisement to be distasteful but considered that overall the advertisement was not sexually explicit and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that the reference to 'exchanging blows' could be interpreted as referring to oral sex but considered that the phrase itself is more commonly associated with fighting and that 'blow' is not a word which is strong, obscene or offensive.

The Board determined that the advertisement used language which is appropriate in the circumstances.

Finding that the advertisement did breach Section 2.1 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination. The ASB will continue to work with the relevant authorities in Queensland regarding this issue of non-compliance.