



Case Report

1	Case Number	0032/12
2	Advertiser	Network Ten Pty Limited
3	Product	Entertainment
4	Type of Advertisement / media	Transport
5	Date of Determination	08/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

The advertisements feature either Michelle Bridges or Tiffiny Hall, two of the trainers from the Network Ten television program, The Biggest Loser. Michelle sits naked except for her sneakers. She is posed in such a way as to obscure parts of her body. Tiffiny is in a similar pose but you can see she is wearing shorts as well as sneakers. The TEN logo is visible to the side of each image and below is the outline of two measurement rulers between which is the text, "LEARN TO LOVE YOURSELF" and "THE BIGGEST LOSER".

THE COMPLAINT

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

I feel that as a transport company such as Transperth we should not subject children to this sort of advertising. With Television you can switch off inappropriate content the same with magazines and books can be put out of the way of their little eyes but on the back of every 3rd bus in the community we parents and grandparents can do nothing.

You are abusing the minds of the children when allowing these sorts of ads to filter through. As a parent I am trying to do the best I can to bring up good children for the future.

You have a bigger responsibility when allowing advertisement like these to filter through for Australians to see.

I hope that you may something about this.

THE ADVERTISER'S RESPONSE

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

TEN comments regarding the complaints and compliance with Section 2 of the AANA Code of Ethics (the Code)

The section of the Code that may be relevant to the Advertisement is Section 2.4.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

TEN submits that the image of Michelle Bridges is not "highly sexual" and "extremely offensive" as variously described by the complainants, nor is it exploitative or degrading but rather is advertised with appropriate sensitivity.

The advertisement promotes The Biggest Loser Singles, the new series of the popular and widely recognised Australian reality television program broadcast by Network Ten, in which overweight singles participate in a contest to lose the most percentage of weight. Each contestant hopes to transform their lives with the guidance of the program's trainers – Michelle Bridges, Tiffiny Hall, Shannan Ponton and The Commando.

The media campaign features images of all four trainers including Michelle Bridges. Two of the complaints refer specifically to the image of Michelle Bridges, while the other complaints are nondescript. There is also an image of another of The Biggest Loser trainers, Tiffiny Hall who is posed in a similar manner but she is wearing shorts as well as sneakers.

The images are not sexually suggestive. Michelle and Tiffiny are not posed in a sexually suggestive or provocative manner, nor is there any sexual innuendo. While Michelle appears naked except for her sneakers, care has been taken to ensure her arms and legs obscure her breasts and genitalia. Hence nudity is implied rather than actually depicted. Nor do the images exploit or degrade women.

The images are consistent with the overall advertising campaign which features tastefully shot images of the program's health and fitness experts. The campaign was shot by one of the world's best photographers, Karin Catt, who has worked with President Clinton, President Bush and the Dalai Lama. The idea behind the campaign is that with the right guidance everyone can be a happier person.

The advertisement is relevant to the theme of the program that shows obese people taking affirmative action to improve their lives so they too can be fit, healthy and learn to love themselves (as Michelle Bridges and Tiffiny Hall do). Ms Bridges and Ms Hall, along with the other trainers, are role models for a fit and healthy society.

The campaign also ties in with TEN's 1 Million Kilo Challenge - a free initiative that runs for 10 weeks and promotes healthy eating, exercise and happier lifestyles for all Australians who join. Episodes of the program are variously classified G or PG under the Commercial Television Industry Code of Practice, depending on the content of the particular episode. Material classified G must not contain any matter likely to be unsuitable for children to watch without supervision.

The images in question are suitable for broadcast within G classified episodes.

The television program is not directed primarily at children. Similarly, the advertisement (and campaign) is not directed primarily at children and hence the AANA's Code of Advertising & Marketing Communications to Children does not apply, in accordance with

clause 3.1 of the Code. Care has been taken to ensure the images have been tastefully and sensitively shot.

Hence, TEN submits that the advertisement complies with clause 2.4, 3.1 and all other relevant provisions of the AANA Advertiser Code of Ethics.

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 concerns that the advertisement shows a naked image of a woman which is inappropriate for viewing by children.

The Board viewed the advertisement and noted the advertiser’s response.

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

The Board noted that the advertisement features an image of Michelle Bridges, one of the trainers from the Network Ten television program, “The Biggest Loser”. Michelle is naked apart from her sneakers.

The Board noted that although Ms Bridges is clearly naked, she is posed in such a way as to obscure the private parts of her body. The Board considered that the image was depicting a very fit and healthy looking woman who is well known for her role as a personal trainer on both the program and in general.

The Board noted that as a large back of bus advertisement, the audience would likely include children. The Board considered that there is a clear connection between the image, the person in the image and the program “the Biggest Loser”. The Board considered that because the program is known to be about body image, fitness and weight loss the image has direct relevance to the product being advertised.

The Board considered that although Ms Bridges is naked, the pose was not sexualised and was not sexually suggestive.

The Board considered that most members of the community would not find the advertisement inappropriate and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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

