



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0505/11
2	Advertiser	Universal Music Aust Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	18/01/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is for the online music retail store www.givemusic.com and features audio excerpts of the artist LMFAO's song "Sexy and I know it" and accompanying visual excerpts from the song's music video clip.

THE COMPLAINT

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

The advertisement was not at all suited to the program in which it was being advertise throughout - clearly a family show shown at a family time. It was inoffensive and the artists were being overtly sexual, hardly dressed, and the word 'sex' was used and sexual connotations as well as sexual body language was shown. It is completely unnecessary and I don't see why I should have to ask my children to close their eyes when we are watching a family program. We will not be watching 'It's A Knockout' again and will think seriously about watching Channel 10 at all.

THE ADVERTISER'S RESPONSE

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

UMA does not accept that the advertisement breaches any element of Section 2 of the AANA Code of Ethics (the "Code"), or the AANA's Code of Advertising and Marketing Communications to Children ("Children's Code").

UMA believes it has fulfilled its obligations under section 2.3 of the Code (in relation to the treatment of sex, sexuality and nudity with sensitivity to the relevant audience). The advertisement in question was provided a CAD rating of 'G' and has been displayed to the public in accordance with this rating at a general timeslot of Sunday night. We also note that the background audio and audio-visual content of the advertisement feature excerpts of the artist LMFAO's song "Sexy And I Know It..." and accompanying music video clip, with both products having been in the general public domain without restriction or ratings issues to date.

The excerpts contain images of men in swimwear which we feel, in and of itself, is not inappropriate and does not treat the topics of sex, sexuality and/or nudity inappropriately in contravention of section 2.3 of the Code. Excerpts of the music video clip display the men dancing in swimwear however we feel it's not overtly sexual in nature. The excerpts are also very short. There is no use of the word 'sex', however the word 'sexy' is a lyric in the aforementioned song. We certainly regret that the advertisement was not to the complainant's taste, however do not feel this indicates contravention of the Code.

UMA also does not believe the advertisement contravenes the Children's Code. We submit that the advertisement does not meet the criteria to be an "Advertising or Marketing Communication to Children" pursuant to section 1 of the Children's Code. The advertisement is not primarily directed to children 14 or younger and is not advertising a product which is targeted principally targeted toward Children. The artist's product and the www.givemusic.com.au website may have appeal to children under 14 years however they are general classification products and services marketed by UMA to a general demographic and a number of age groups.

UMA would also submit that the advertisement does not contravene clause 2.5 in relation to 'strong or obscene' language.

The Sunday night timeslot during which the advertisement was run, is targeted at a broad general demographic in accordance with the 'G' CAD Rating and general appeal of the artist LMFAO. UMA's advertising is treated with sensitivity to the anticipated audience and is designed to attract a broad customer base to its retail services and recording artists.

UMA will continue to uphold the standards of the Code in our communications with the public and appreciate you reviewing our submissions in relation to this complaint.

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 features sexualised images and wording and is not appropriate for family viewing.

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: ‘...shall treat sex, sexuality and nudity with sensitivity to the relevant audience.’

The Board noted that the advertisement features clips from the LMFAO hit song, “Sexy and I know it”.

The Board noted that the artists in the video are shown wiggling their hips whilst wearing animal print or red studded speedos. The Board considered that it is reasonable for a music promoter to use current music and video clips to promote their products. The Board noted that whilst some members of the community may find the content of both the song and the music video for LMFAO to be inappropriate the Board acknowledges that most members of the community are familiar with this band and their music videos and would find them to be lighthearted and fun rather than sexualised and inappropriate.

The Board considered that most members of the community would not find the advertisement as a whole offensive and that the advertisement did treat sex, sexuality and nudity with sensitivity 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.