



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0012/12
2	Advertiser	ACP Publishing Pty Ltd
3	Product	Media
4	Type of Advertisement / media	TV
5	Date of Determination	08/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A woman picks up a copy of Cosmopolitan magazine from the side of the pool and in the process falls into the water. This is followed by a series of page shots of the magazine displaying specific features from the magazine with a voice over describing these features.

THE COMPLAINT

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

Surfs Up is a G rated children's movie and to see an advertisement for a women's magazine aimed at an audience of 18+ is appalling. The advertisement had suggestive words and girls with not a whole lot of clothes on. Completely inappropriate and not something that I would show my 9 year old son. Think about it guys, just for a minute!

THE ADVERTISER'S RESPONSE

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

I write on behalf of ACP Magazines Ltd (ACP) regarding your correspondence of 17 January 2012 in relation to a complaint received by the Advertising Standards Bureau in relation to a television advertisement for the Cosmopolitan magazine (the 'Advertisement').

You have asked ACP to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics (the 'Code') or other Codes incorporated in it, such as the AANA Code for Advertising to Children. ACP is happy to respond to your request.

At the outset, the Advertisement is a television commercial and, as such, the Nine Network Australia Pty Ltd (Nine) is the entity responsible for its broadcast and placement. ACP acknowledges that the Advertisement was rated PG by CAD and was shown during a G rated movie. ACP understands that this was due to a scheduling error on Nine's part. ACP confirms that the Advertisement is no longer on air. Nevertheless, ACP maintains that the Advertisement is not in breach of any provision of the Code. ACP maintains that having regard to the imagery and theme of the Advertisement being for a women's magazine, the Advertisement is clearly not "primarily directed at children" within the meaning of 2.4 of the Code. Consequently, in ACP's view, the Code for Advertising to Children does not apply. ACP considers therefore that the only parts of the Code that could be potentially relevant to the Advertisement are sections 2.4 and 2.5.

Compliance with section 2.4

Section 2.4 of the Code provides that the Advertisement shall treat sex, sexuality and nudity with sensitivity to the relevant audience. To the extent that the Advertisement has a sexual nature this is of very low impact. At the beginning of the Advertisement there is a woman in a bikini and this is followed by a series of much smaller images some of which include people in swimwear and lingerie. There is certainly no depiction of sex or nudity.

In the Practice Note to the Code it states that "advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product." Further it states that "images of women in bikinis are permitted" provided these are not overly sexual.

Firstly, the Advertisement's use of women in bikinis is clearly relevant to a women's magazine and the Advertisement was for the edition of the magazine published at the beginning of summer, and it therefore uses images associated with summer. Secondly, the images evoke a sense of fun and playfulness (even comical) they are not suggestive or sexual. The images are largely depicting every day contexts such as in a swimming pool, on the beach or otherwise in a fashion context similar to any other image one may see on a billboard or magazine cover.

ACP acknowledges that the relevant audience of the Advertisement is women over the age of 18 years old and that the Advertisement was placed during a children's movie. However, the images seen in the Advertisement are not of a sexual nature and most are ordinary images which a child could equally see at a beach or other public space. The images of the women in lingerie do not take prominence in the Advertisement and are displayed for a very short duration. Further, the images are for fashion and are not sexualised.

ACP believes it has treated sexuality in the Advertisement with sensitivity to the relevant audience in accordance with clause 2.4 of the Code. On this basis ACP maintains that the Advertisement is not in breach of the Code.

Compliance with section 2.5

The complaint alleges that the Advertisement used "suggestive words". Section 2.5 of the Code provides that advertisements shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium).

ACP maintains that the language used was entirely appropriate in the circumstances of a magazine advertisement. The voice over describes the various features of the magazine such as "places to be seen", "outfits" and "bridal". The words used are not rude or derogatory and are words which would commonly be used to describe the material displayed in the

*Advertisement. On this basis ACP maintains that the Advertisement was not in breach of section 2.5 of the Code.
ACP would be happy to provide further comment if required.*

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 complainants' concerns that the advertisement was screened during programs which have a strong family orientation and features images of women in sexually suggestive poses wearing little clothing.

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

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 the advertiser’s response that the advertisement had been rated PG by CAD and that Channel Nine had aired the advertisement during a G rated movie in error. The Board also noted that the advertisement is no longer being aired.

The Board noted that the advertised product is a magazine with a female readership and is also classified as a category that is able to be advertised in general media.

The Board noted that the images of women in the advertisement are consistent with fashion magazine images and are relevant to the product. The Board noted that the cover shot of the magazine is shown on screen and features the word ‘sexy’ and that the female voiceover uses the word sexy once. The Board considered that the use of this word in this context was not inappropriate and that the advertisement as a whole had at most very mildly sexual references. The Board considered that most members of the community would find the content of the advertisement to be not inappropriate for the relevant audience and time zone.

The Board determined 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.

