



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0012/14
2	Advertiser	Sony Music Entertainment Australia Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	29/01/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement relates to the Beyonce CD/DVD product released by Beyonce Knowles via Sony Music on 13 December 2013. There are fifteen and thirty second advertisements, each of which consist of a montage of clips featuring Beyoncé. The final scene shows Beyoncé walking along the beach with her young daughter.

THE COMPLAINT

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

This ad for Beyonce's new album was highly inappropriate for the time at night considering school holidays had commenced and children would be watching Christmas viewing. In fact at any time it was quite sexually explicit.

THE ADVERTISER'S RESPONSE

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

*I refer to your email which sought comment on a complaint made in respect of a television advertisement for the Beyonce album sold by Sony Music Entertainment Australia Pty Ltd. Our comments are as follows:
CAD Classification*

The advertisements were reviewed and classified by CAD under two separate reference numbers:

1019759 – in respect of the digital retailer tagged 15 and 30 second advertisements; and

1019940 – in respect of the physical retailer tagged 15 and 30 second advertisements.

Each of the 15 second advertisements was given a “W” classification. Each of the 30 second advertisements was given a “PG” classification. Relevantly, we note that a “PG” classification permits broadcast of the advertisements between 7:00pm and 6:00am on weekdays and between 10:00am and 6:00am on weekends.

The Complaint

Based on the information provided to us in your email, we understand that the complaint relates to a broadcast of the 30 second advertisement at 8:00pm on Friday 20 December 2013. We note that the complaint consists of three points:

- 1. That the advertisement was “highly inappropriate for the time at night”;*
- 2. That “children would be watching”;* and
- 3. That it was “quite sexually explicit”.*

Sony Response

Sony’s response in respect of each item outlined above is as follows:

1. We disagree that the advertisement was “highly inappropriate for the time at night” purely by virtue of the advertisement being broadcast in accordance with the classification given by CAD, as referred to above. We have complied with our obligations in respect of this classification.

2. We acknowledge that it is likely that children would be watching television at 8:00pm on a Friday night. However we note that the advertisement could not be considered an Advertising or Marketing Communication to Children (as that term is defined in the AANA Code of Ethics (the Code)) and that the Product is not a good, service or facility targeted toward, or which has principal appeal to, children. As set out in the following point, we do not consider that the advertisement is inappropriate for the time slot.

3. We disagree that the advertisement is “quite sexually explicit”. The advertisement consists of a significant number of rapid-fire images followed by a lingering shot of Beyonce walking along a beach with her daughter. These images were deemed appropriate for a PG classification by CAD. All images are thematically relevant to the advertisement, which is intended to demonstrate the fullness and complexity of Beyonce as a mature woman and mother (which are also core themes of the Product being advertised). None of the images are “explicit”, and no specific focus is given to any image other than the lingering final shot. To describe the other images as “fleeting” would be an understatement.

We note that we have been asked to comment specifically in respect of Section 2.4 of the Code, which states:

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

We reiterate that the advertisement was classified PG by CAD and that we have complied with the restrictions of that classification. Clearly it is contemplated by such classification that children may be exposed to the advertisement, and on that basis we must assume that CAD deems the advertisement suitable for viewing by children under appropriate conditions. We also reiterate that children are not the target of the advertisement, and that sex and sexuality have been dealt with appropriately and with sensitivity to the relevant audience (as set out in point 3 above).

Conclusion

We do not believe that the advertisement contravenes the AANA Code of Ethics and respectfully request that the complaint be dismissed.

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 sexually explicit material which is inappropriate for children to view.

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 that the advertisement features

The Board noted it had previously dismissed a complaint about a similar style of television advertisement featuring Miley Cyrus in case 0314/10 where it considered that, “...the costumes and dance moves were not inappropriately sexualised and that the advertisement was heavily stylized.”

The Board noted that in this instance the advertisement features images of the singer Beyonce in various outfits and poses. The Board noted that these images are played as a rapid-fire montage of images and considered that it is difficult to see what she is wearing or doing in most of the clips and that there is not a long focus on any images that are strongly sexualised.

The Board noted that the advertisement had been rated ‘PG’ by CAD and considered that overall the content of the advertisement was in keeping with the high profile public persona of Beyonce and it was not inappropriate for the relevant PG audience which could include children.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement 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.

