



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0017/19
2	Advertiser	Museum of Old and New Art
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/01/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This 30 second television advertisement promoting Mona's summer music and arts festival, Mona Foma, begins by showing an individual peeling and eating fruit and items such as whipped cream, as well as cutting rose stems and cracking open an egg. It then presents the name of 5 headlining artists playing at the festival with accompanying imagery behind each artists name before showing sunscreen being pumped into a table with the text '+ heaps more'. The advertisement then shows the festival logo and dates with half of an orange in the background with a finger squishing into it before ending with a call to action that tickets are on sale.

THE COMPLAINT

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

Pure smut that nobody should have to be subjected to at any time, let alone during a family event like sport.

THE ADVERTISER'S RESPONSE



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

In response to the complaint that the advertisement is in breach of section 2 of the AANA code of conduct we believe that all regulations have been met through the correct processes prior to the commercial being broadcast but cannot prevent an individual person's interpretation or perception of creative content and imagery based on their own opinion of what is deemed to be overtly sexual or inappropriate. We do not consider that the advertisement breaches section 2, or any other section, of the AANA code of ethics, as set out in more detail below.

Please note that the advertisement in question is no longer being broadcast.

We have been asked to address all parts of section 2 of the AANA code of ethics. Responses in relation to these sections in the context of the advertisement and the complaint are set out below:

2.1 Discrimination or vilification

The advertisement for Mona Foma does not portray people 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.

As none of the criteria listed above that are evidence for discrimination or vilification are present in the advertisement we feel the advertisement is not in breach of section 2.1 of the AANA code of ethics.

2.2 Exploitative or degrading

The advertisement does not employ sexual appeal where images of minors, or people who appear to be minors, are used; or in a manner which is exploitative or degrading of any individual or group of people. Based on this we feel the advertisement is not in breach of section 2.2 of the AANA code of ethics.

2.3 Violence

We feel that the content displayed in the advertisement does not present or portray violence in any context and is therefore not in breach of section 2.3 of the AANA code of ethics.

2.4 Sex, sexuality and nudity

We feel the advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience. The advertisement does not display any nudity and we feel that no scenes are of a highly sexual nature. For all of our television advertising we are sure to consult with our television media partner to ensure that our advertisements meet with standards they are comfortable advertising.



We note that the way the sunblock in the advertisement is depicted underpins the messaging displayed on screen of '+ Heaps more' and alludes to the point that there are more artists that are present in the festival that have not been referenced in the advertisement. The use of the sunblock is also a link to our festival being a Summer event.

The use of fruit in the advertisement we feel is not in breach of section 2.4 of the AANA code of ethics and is not inappropriate for the relevant audience. The complaint about its content is based on individual perception of the content and is still not highly sexually suggestive or inappropriate.

Our advertisement was submitted for commercial classification from Free TV Australia and received a G rating from CAD. Official CAD documentation is attached.

This classification allows the advertisement to be broadcast at any time except during children's programs. Advertisements that receive a G classification are deemed to not contain any matter likely to be unsuitable for children to watch without supervision. While we are disappointed and understanding that a complaint has been made about the content and timing of the advertisement we feel that this is purely down to an individual's interpretation of the creative content and that we are not in breach of the AANA code of ethics.

2.5 Language

The advertisement does not use any obscene language. The only audible word in the advertisement is 'yes' which is present at the end of the advertisement and is presented in an excited tone to mirror up with the 'tickets on sale now' message that displays on screen. Based on this we feel the advertisement is not in breach of section 2.5 of the AANA code of ethics.

2.6 Health and Safety

The advertisement does not depict practices or images that could be deemed as unsafe and does not depict any material contrary to community standards on health and safety and therefore not in breach of section 2.6 of the AANA code of ethics.

2.7 Distinguishable as Advertising

We feel the advertisement is clearly distinguishable as advertising and is not in breach of section 2.7 of the AANA code of ethics.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concern that the advertisement features sexualised imagery which would be inappropriate to be seen by children.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted that the television advertisement is promoting an arts festival and features images such as an individual peeling and eating fruit, an egg cracking open, sunscreen being pumped onto a table, and a finger pressing down onto half of an orange.

The Panel noted that this television advertisement had been given a G rating by CAD and the relevant audience would therefore be broad and would likely include children.

The Panel noted the complainant's concern that the advertisement was smut and was not appropriate for viewing during family television.

The Panel considered that while some viewers might take sexual connotations from some scenes, there were no actual depiction of sex, references to sex or sexualised material. The Panel considered that children viewing the advertisement would see artistic images of fruit and other objects, and would not understand or notice any sexual inferences.

The Panel considered that this advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

