



Ad Standards Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	Case Number	0037/18
2	Advertiser	ARN
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/02/2018
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two people in an elevator, Jace and PJ. Jace spots some bird droppings in PJ's hair, which he attempts to remove. PJ bends down in front of him to allow him to remove the droppings just at the moment the elevator door opens and a colleague sees PJ in front of Jace in an awkward position

### THE COMPLAINT

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

*I'm offended with lift scene of woman face stuck in front of the man's crotch level - I don't view it as 'awkward moment' but a deliberate exposure for all viewers( young & old) to mimicking oral sex. - try the ad with no volume!  
degrades the woman. influencing woman = oral sex act / normalises act in the everyday workplace.  
views men as things just happens to them.  
( apologies however can't quite articulate my offence to this ad)  
in light of the global campaigning against sexual harassment this ad is appalling.*



*It's aim is to make you think that the female is giving the male A HEAD JOB! Not only is the content inappropriate, the time which it was aired means small children are still up and being subjected to it! We are not pruders but we shake our heads as to what is being allowed on tv, particularly at early evening hours.*

*I don't think we need to see simulated blow jobs at 6pm, on a news program. It's not only offensive, but we've got families watching at this time. Do we need to be seeing and then explaining to children why the ad is supposed to be funny. It's not. It's degrading and it's offensive. Sounds like a group of adolescents got together in the advertising agency one night and came up with this purile idea. Idiots.*

### **THE ADVERTISER'S RESPONSE**

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

*The Advertisement The Advertisement is an irreverent, cheeky promotion for KIIS 101.1's new breakfast show. In it, the new Announcers, Jase and PJ are in the elevator on their way to work on their first day. Jase spots some bird droppings in PJ's hair, which he attempts to remove. PJ bends down in front of him to allow him to remove the droppings just at the moment the elevator door opens and a colleague sees PJ in front of Jase in an awkward position. They introduce themselves awkwardly and the Advertisement ends. The 'tagline' behind the show is 'Always Awkward'. Whilst we acknowledge the Advertisement is cheeky and irreverent, ARN does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation. It does not contain any explicit language. The Advertisement was approved for broadcast by CAD under category J. We note that the complainant saw the Advertisement at approximately 7:30pm which is deemed appropriate under the CAD category J. KIIS 101.1 does not control what stories are broadcast around the Advertisement but it obviously appears as a conventional, 30 second spot within a block of advertising airtime. AANA Advertiser Code of Ethics The complainant raised concerns regarding the sexual themes in the advertisement. Sections 2.2, 2.5 and 2.6 of the Code provide that:*

*2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.*

*2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. Code 2.2 KIIS 101.1's target and predominant audience is adults aged between 25-44, as evidenced by regular Radio Ratings Surveys conducted each year. KIIS 101.1 does not specifically target children, or tailor its programming towards children. Whilst we acknowledge the*



*Advertisement included a cheeky and irreverent innuendo, this was certainly not explicit, nor did the Advertisement contain other sexual or adult themes or undertones which might be obvious to children (regardless of the time of day it is broadcast).*

*Code 2.5 and Code 2.6 KIIS 101.1 acknowledges that the Advertisement contains mild innuendo, which some people may find uncomfortable (or 'always awkward' as the show tagline indicates) or to be in poor taste. However, the language used was not explicit and the themes of the Advertisement are cheeky, not explicit, obscene, or, in our strong opinion, inappropriate. Whilst not to everyone's taste, we do not feel that this language or the Advertisement generally breaches Codes 2.5 or 2.6. In light of the context in which the Advertisement was broadcast, KIIS 101.1 believes that the majority of its audience would regard the Advertisement as light-hearted, comedic and irreverent. For these reasons, KIIS 101.1 strongly believes that the Advertisement does not breach clauses 2.5 and 2.6 of the Code.*

*While KIIS 101.1 does not consider that the Advertisement raises issues under section 2 of the Code, we certainly value feedback on the Advertisement and intend to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community. We would welcome the opportunity to provide any further clarification that the ASB may require in relation to this matter.*

## **THE DETERMINATION**

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement featured sexual themes which were inappropriate for children to view.

The Board viewed 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 this television advertisement featured a man (Jace) and woman (PJ) entering an elevator. The man tells the woman that she has bird poo in her hair and she leans over in front of him so he can get it out. The elevator doors open and a woman is shown to be surprised to see PJ in a position with her head in front of Jace's crotch. Jace and PJ introduce themselves and the woman leaves to take the stairs.

The Board noted the advertisement had been given a 'J' rating by CAD which means the advertisement may be broadcast at any time of day, except during P and C



programs or adjacent to P or C periods. And that care must be exercised when placing in programs principally directed to children ([http://www.freetv.com.au/media/CAD/Placement\\_Codes.pdf](http://www.freetv.com.au/media/CAD/Placement_Codes.pdf)). The Board considered that the advertisement was played at times appropriate to the rating.

The Board noted the complainants' concerns that the advertisement insinuates oral sex and that this is offensive and inappropriate for viewing by children.

The Board considered that there was no nudity in the advertisement and that both Jace and PJ remain fully clothed.

The Board considered that the innuendo in the advertisement was mild and unlikely to be understood by children. The Board considered that there is a clear, non-sexual reason for the situation.

The Board considered the overall tone of the advertisement is humorous and the situation shown is relevant to the 'always awkward' tagline for the show.

Overall the Board considered the advertisement only contained mild sexual innuendo which was unlikely to be understood by children and therefore was not inappropriate for a broad audience which would include children.

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

Finding that the advertisement did not reach the Code on other grounds, the Board dismissed the complaints.

