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Advertising Standards Bureau Limited
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Case Report

1	Case Number	0044/18
2	Advertiser	ZURU Toys
3	Product	Toys and Games
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	07/02/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

This Pay-TV advertisement depicts children throwing water balloons at objects and people to transform them into more “summery” versions.

THE COMPLAINT

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

My young children were watching Dorothy and the wizard of oz-a G rated childrens cartoon on foxtel Boomerang channel. The advert appeared and someone threw a water balloon at a woman walking her dog and instantly her clothes disappeared and she was left in a skimpy bikini. I dont want partial nakedness in my kids face when they are watching a childs program! From what i saw (in my state of shock and anger) only the womans clothes vanished. I find it sexist to start with but children dont need to be exposed to half naked people of any kind whilst watching a tv show.

THE ADVERTISER’S RESPONSE





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

This letter is in response to the above referenced complaint dated 25 January 2018. We believe the referenced television commercial fully complies with the Australian Association of National Advertisers (AANA) Code of Ethics, as well as the AANA Code for Advertising & Marketing Communications to Children, including without limitation Sections 2.1 and 2.4 of the Code of Ethics specifically mentioned in the Complaint.

The television commercial referenced in the Complaint represents a wholesome depiction of children, friends, family and neighbors engaging in typical summertime fun. The children are engaging in that age old summer activity of water balloon fights. The commercial was developed and used to coincide with the start of the Australian summer in promoting the ZURU Toy product Bunch O Balloons. The commercial shows children filling and throwing ZURU Bunch O Balloons product, including the following vignettes:

- (1) A man exits a convertible with the top up wearing business attire and carrying a briefcase; he gets hit with a water balloon and with the resulting splash of water, the scene transforms to a lifeguard wearing swim shorts and carrying a life preserver with the top down on the convertible;*
- (2) A young woman is walking a dog and wearing jeans and a sleeveless summer shirt; she gets hit with a water balloon and with the resulting splash of water, the scene transforms to her wearing a halter top and shorts; and*
- (3) A man is watering his lawn wearing shorts and a t-shirt; he gets hit by a water balloon and with the resulting splash of water, the scene changes to him in a swimming suit.*

You will note that contrary to the description in the Complaint about the woman walking her dog, the woman's clothes do not disappear leaving her in skimpy bikini. Her attire is simply transformed from one summer outfit (jeans and light shirt) to another summer outfit of shorts and a halter top, neither of which are skimpy or inappropriate for summer time wear. The Complaint also refers to exhibitions of half-naked people and that only the woman's clothes vanished. In fact, the video shows people in summer attire (shorts, light shirts, swim suits) and does include scenes of both men and woman transforming from work dress/long pants to summer attire.

The advertisement displays basic summer fun time activities and clothing appropriate for those activities, particularly activities involving water. It does not violate either the Code of Ethics or the Code for Advertising & Marketing Communications to Children, including Sections 2.1 (discrimination or vilification – gender) and 2.4



(sex/sexuality/nudity). Section 2.1 prohibits advertising that portrays people in a way which discriminates against or vilifies a person on account of, among other things, gender. We do not believe the advertisement in any way discriminates or vilifies any person on the account of gender. The AANA Code of Ethics Practice Guide describes this Section as referencing behavior portraying unfair or less favorable treatment (discrimination) or behavior that humiliates, intimidates, incites hatred, contempt or ridicule (vilification). In no way does the commercial portray any of these behaviors – it portrays summertime fun. Likewise, Section 2.4 is not violated by our commercial. Section 2.4 applies to images of men, women and children that are, among other things, highly sexually suggestive, or including explicit sexual reference and inappropriate behavior or attire for the relevant audience. Our commercial portrays summertime fun and bathing suits, shorts and halter tops, all used appropriately and in the context of summer water balloon activities. While we disagree that the swim suits, shorts and tops shown in the video represent “scantily clad” women or men, we note your Guide to the Code of Ethics indicates that “advertisements which depict women or men scantily clad are generally acceptable, if relevant to the product.” Again, our advertisements relates to water and water balloon, making swim suits and shorts very relevant. Also, while we note that the woman in our video is not wearing a bikini in the vignette, but rather shorts and a halter top, the AANA Guide states that images of women in bikinis are permitted.

Furthermore, as is the case with the above described Sections 2.1 and 2.4 of the Code of Ethics, we do not believe any other sections of the Code of Ethics or the Code for Marketing and Advertising Communications for Children are violated, including Section 2.2 (Sexual Appeal; Exploitative; Degrading) and Section 2.3 (Violence) of the Code of Ethics or Section 2.4 (Sexualisation), Section 2.5 (Safety) and Section 2.6 (Social Values) of the AANA Code for Marketing and Advertising Communications to Children. The advertisement depicts only harmless summertime fun, with all minors and adults depicted in appropriate summertime attire (shorts and swimsuits) and behaving consistent with social values, community standards and the norms of summertime activities.

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 complainant’s concerns that the advertisement was sexist and contained partial nakedness.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that ‘advertisements shall not portray 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.'

The Board noted the Practice Note for this section of the Code provides the following definitions:

"Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule"

The Board noted that this television advertisement depicts children throwing water balloons at objects and people to transform them into more "summery" versions: A girl walking her dog is hit by a balloon and is then depicted in shorts and a crop top and her dog is wearing a shark costume; a man in a suit getting into a white sedan is hit by a balloon and he is seen wearing board shorts standing in front of a red convertible; and a man watering his garden is hit by a balloon and he is shown in a speedo.

The Board noted the complainant's concern that only the woman in the advertisement has her clothes disappear and that this is sexist.

The Board considered that the girl in the advertisement was not the only person to be shown to have her outfit turned into something summer friendly, and that two men are also depicted in a similar manner.

The Board considered that the complainant's interpretation that the advertisement is sexist is unlikely and considered that this was not a depiction of material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 was shown on children's Pay-TV channels and therefore the relevant audience for the advertisement was children.

The Board considered the complainant's concerns that the woman was shown losing her clothes and she was left in a skimpy bikini, and that this partial nudity was inappropriate for an advertisement directed at children.

The Board considered the young woman whose clothes disappear was then shown in shorts and a crop top, and that there was no nudity in the advertisement.



The Board considered that the overall tone of the advertisement was fun and innocent and that the advertisement did not contain any nudity.

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.

