



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0058/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Michael Hill Jewellers Ltd</b>
<b>3</b>	<b>Product</b>	<b>Retail</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/02/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features two products, a sterling silver pendant with one half carat of diamonds priced at \$299 and a white gold ring with one carat of diamonds priced at \$999. In the opening scene a woman is lying on a bed wearing the pendant and a man leans over her and kisses her. In another scene the man and woman are stood up facing each other in an embrace.

### THE COMPLAINT

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

*It shows two people very close on a bed. Sexual references - the show YTT is aimed at children.*

### THE ADVERTISER'S RESPONSE

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

*We refer to the complaint made to the Advertising Standards Bureau on 6 February 2012 regarding a recent Michael Hill television advertisement (Advertisement).*

*The Advertisement is part of Michael Hill's Valentine's Day promotion and will be on air until 14 February 2012. The Advertisement features two products, a sterling silver pendant with one half carat of diamonds priced at \$299 and a white gold ring with one carat of diamonds priced at \$999 (Products).*

*Michael Hill takes complaints of this nature very seriously and is committed to ensuring its advertising complies with the law. We have carefully considered the complaint and the application of the relevant provisions of the Australian Association of National Advertisers Code of Ethics (Code). Michael Hill believes that the Advertisement complies with the Code. The complaint has been made under section 2.4 of the Code.*

*Section 2.4 of the Code states:*

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

*The complainant's reasons for concern state that the Advertisement: features two people very close on a bed. Sexual references – the show YTT is aimed at children.*

*Michael Hill believes that the Advertisement complies with the Code.*

*The Advertisement complies with the Code*

*Michael Hill believes that the Advertisement does not contravene the Code. The Advertisement was rated PG by CAD and was shown in a PG viewing period. No obscene language is used and the images portrayed are appropriate having regard to prevailing community standards.*

*The Advertisement discreetly and tastefully portrays sexuality in the context of giving gifts and spoiling a loved one on Valentine's Day. The Advertisement does not show nudity of any kind or overtly display any sexual images and treats sexuality with sensitivity and respect:*

*(a) the beginning of the Advertisement shows a woman in pyjamas in bed with a man sitting on the edge of the bed dressed in business attire. The woman touches a diamond pendant as though she is wearing it for the first time. The man leans forward and gives her a kiss. Michael Hill does not believe that an image of a couple sharing a thank-you kiss after a gift has been given is inappropriate or overtly sexual.*

*(b) towards the end of the Advertisement, the same woman and man are standing and the woman runs her hands through the man's hair. A diamond ring is clearly visible on the woman's left hand ring finger. Michael Hill does not believe that an image of a couple sharing an intimate embrace in the context of gift giving on Valentine's Day is inappropriate or overtly sexual.*

*The Advertisement's overall objective is to motivate men who wish to spoil their loved one or women who wish to be spoilt to choose Michael Hill jewellery on Valentine's Day. Michael Hill did not intend to make any inappropriate sexual references and we do not believe reasonable consumers would interpret the Advertisement in that manner or be offended by it. Michael Hill regrets that the Advertisement may have caused any concern for parents.*

## **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 contains sexual references which are not appropriate for viewing by children.

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 jewellery advertisement features a brief scene where a man leans down to kiss a woman lying on a bed and another scene where the man and woman are standing facing each other in an embrace. The Board noted that the man and woman are both fully clothed and that the focus is on the jewellery and not on their bodies.

The Board noted that the advertisement had been rated PG by CAD and considered that the content of the advertisement was not inappropriate for viewing by a PG audience.

The Board considered that most members of the community would find the content only mildly sexually suggestive and not inappropriate for a PG audience.

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.