



Case Report

1	Case Number	0072/11
2	Advertiser	BCF
3	Product	Leisure & Sport
4	Type of Advertisement / media	TV
5	Date of Determination	13/04/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A man is in a dark room admiring something on his computer screen. As he is making appreciative noises, his wife enters the room, switches on the light and tells him that he "wouldn't know what to do with it". We then see what the man has been admiring: a fishing reel.

A voice over then promotes BCF online shopping and the BCF logo appears on screen.

THE COMPLAINT

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

The advert displays the man's body and verbal language as suggestive of a man sitting at a computer viewing pornography. I object to this advert as its underlying message appears to be condoning pornography which encompasses the illegal child pornography.

THE ADVERTISER'S RESPONSE

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

BCF Australia Pty Ltd has taken the liberty to interpret the above complaint in order to correctly respond to the advertisement of concern. The 'Online Store' TV commercial is suggested to be the material that the complaint references.

BCF have been running the 'This is Living' campaign for over three years in an array of mediums, including Television, Radio, Print and Online in consultation media agency, Mitchell Media Brisbane and creative agency, Sapiient Nitro Brisbane.

The strategic position of the campaign has always been intended to promote healthy lifestyle choices and given the nature of the business, encourage people from all walks of life that 'life is better in the outdoors'. Pastimes such as boating, camping and fishing, as depicted by the campaign as a whole, are suggested to be healthy outdoor pursuits that promote healthy work life balance. Such pursuits are constructive, wholesome activities that are available to all members of the community and are believed to genuinely have a positive lifestyle influence.

The intention of the particular advertisement referred to in the complaint is merely to portray a light hearted depiction of a typical cohabitating couple. Such relationships at times can invoke a degree of judgment by either party about the most useful way to spend time at home. Commonplace in current times is the amount of time spent on digital mediums such as computers and subsequently the internet. The advertisement aims to capture this moment and the subsequent dynamic that may exist between a cohabitating male and female.

The essence of the advertisement is designed to be comical in nature by means of an over the top portrayal of an individual that it is deemed to be totally unrealistic in real life situation. The male depicted is very engaged with the computer monitor and is intentionally created as such. This depiction is designed to create a sense of suspense and intrigue about what the man is actually viewing.

As the female enters the room she is frustrated with the man's obsession about what is unclear at this point other than to suggest that the man is very impressed. This could be interpreted as anything from a car to a beautiful place, a recreation or possibly even an attractive human being. At this point the female suggest that the man 'wouldn't even know what to do with it' which is in no way suggestive and would infer an object rather than an attractive human being. This notion of an object is further supported as the immediate reveal is a very expensive fishing reel available on the BCF online store.

The complainant refers to the advertisement "condoning pornography which turn encompasses illegal child pornography". It is suggested that at no point has the reference to pornography been demonstrated either directly or indirectly through the course of the advertisement. As previously discussed, the connotation is intentionally left ambiguous so as not to create direct reference to anything. Furthermore, the complainant refers a link to illegal child pornography. Such an inference is suggested to be in no way reflected at any point during the advertisement in question. There is no reference to children made either implied or otherwise which, when added to the reality that at no point is pornography depicted either directly or indirectly, the complaint is clearly unfounded. (Refer Section 2.1 of the AANA code of Ethics)

This element of humor is not suggested to immunize an advertisement from AANA standards however is suggested to impact the overall impression that an advertisement would have upon a viewer.

BCF Australia regrets any offence taken by the complainant pertaining to this advertisement however suggests that the advertisement is in line with the AANA code of ethics as it is expected that the campaign is in line with community standards that a reasonable person would not have grounds for complaint on the suggestion of pornography and specifically child pornography.

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 concern that the advertisement suggests a man is viewing pornography online.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement features a man making appreciative noises whilst viewing his computer screen, and that when his wife comments on what he is doing we see he is looking at a fishing reel on the BCF website.

The Board noted that when the man is making appreciative noises he is on his own in a dark room and we cannot see what he is looking at. The Board considered that whilst some members of the community could make the assumption that the man is viewing pornography or other adult entertainment, there are many possible explanations as to what he is viewing and it is then made clear that he is in fact viewing a fishing reel. The Board noted that the advertisement has a W classification and should be placed with care in family viewing. The Board considered that children would not understand the suggestive tone of the beginning of the advertisement and considered that adults would understand that the advertisement is not condoning pornography and is intended to be, and likely to be taken to be, humorous. The Board considered that the advertisement's mild sexual suggestion was treated sensitively for the relevant timezone.

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 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

