



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

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| 1 | Case Number | 0072/18 |
| 2 | Advertiser | Swarovski International (Aust) Pty Ltd |
| 3 | Product | Retail |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 07/03/2018 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement depicts five different couples giving each other jewellery boxes, embracing and kissing.

THE COMPLAINT

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

*What filth - I dont care if it is accepted in this stupid country or not, there are some things that should not be shown on TV where my small children can see it!
Each to their own, but my children do not need to be subjected to this, nor does myself or my husband!*

Tv is in every home and values of our families need protection not flouting the whims of the minority. This is not something to trifle with. And i notice even your page has added gender neutral. This my friends is not a possibility you are either born male or female. What you do after that is of no consequence to the fact



The commercial is supposed to be about lovely jewellery but instead starts with girls kissing girls boys kissing boys and then girl and boy kissing up close lips locked tongue and all , I found this commercial very inappropriate especially with children watching to play this commercial while children are on school holidays

THE ADVERTISER'S RESPONSE

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

The complainants stated concerns regarding nudity and sexual content in relation to our Valentine's Day (Brilliance of Love) campaign. Our response below addresses all parts of Section 2 of the Code. Swarovski does not believe the advertisement breaches any part of the code, including section 2.4 which is specifically relevant to the complaints.

[2.1 Advertising or Marketing Communications shall 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.]

On the contrary, Swarovski considers that the advertising creative challenges discrimination by celebrating diversity and championing love in all it's forms by depicting a variety of couples (2 x straight, 1 x gay, 1 x lesbian). Aside from the main couple (Karlie Kloss, Andres Velencoso), all the other couples are in a relationship in real life.

*Chiara Ferragni + Fedez
Malik Lindo + Malaika Firth
Ruth Bell + Veronika Krajplova
Kim Willecke + Sean Dubberke*

*[2.2 Advertising or Marketing Communications shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.]
No minors are present in the advertisement, and none of the couples are depicted in an exploitative or degrading manner. All the couples are represented respectfully and showing genuine care for each other.*

*[2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.]
This advertisement does not present or portray violence in any way.*

[2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity



with sensitivity to the relevant audience]

The purpose of the advertisement is to promote jewellery as a gift for Valentine's Day, a gifting holiday traditionally targeted towards couples. The use of couples is relevant for this purpose and also relevant for the promoted product as Swarovski ranges jewellery/watches for both men and women.

The couples are depicted hugging, holding each other's faces and one couple kisses (Chiara Ferragni and Fedez). Swarovski believes the interactions between the couple are not overtly sexually suggestive, and reflect an appropriate level of love and public intimacy shared between real life couples.

There is no sex or nudity portrayed.

[2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances

(including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.]

This advertisement does not use any language inappropriate in the circumstances. Strong and obscene language has been avoided.

[2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety]

This advertisement does not depict material contrary to Prevailing Community Standards on health and safety

[2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience.]

This advertisement is clearly distinguishable as an advertisement or marketing communication.

Therefore, for the reasons outlined above, Swarovski believes that the Advertisement complies with section 2 of the Code in it's entirety.

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 complainants' concerns that the advertisement features various couples, including same-sex couples, kissing and that this is inappropriate for a broad audience which would include children.

The Panel noted that advertisers are free to use whomever they wish in advertising and that featuring same-sex couples in an advertisement is not an issue that would breach any section of the Code.



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 the advertisement featured a number of couples kissing, embracing and giving each other jewellery.

The Panel noted the complainants' concern that the advertisement showed people kissing in a way which was too sexualised for a general audience which would include children.

The Panel noted the advertisement was given a 'G' rating (able to be played any time except during children's programs) by CAD and would therefore be likely to be seen by a broad audience which would include children.

The Panel noted the advertiser's response that many of the couples featured in the advertisement were couples in real life and that the advertisement reflects an appropriate level of public intimacy.

The Panel noted the advertisement did depict a number of couples kissing and embracing, however considered that these scenes were brief and the overall effect was only mild sexual suggestion.

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

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

