



Case Report

1	Case Number	0085/14
2	Advertiser	Air New Zealand Ltd
3	Product	Tourist Attractions
4	Type of Advertisement / media	Internet
5	Date of Determination	26/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

A man, woman and young child talk about the Cook Islands and the male airline worker mentions the 50th anniversary of the sports illustrated swimsuit edition. The sports illustrated models go through the safety measures to consider when flying but doing so while dressed in bikinis and sitting on beach chairs and hammocks.

THE COMPLAINT

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

The advertisement is combined with an in-flight safety video but is also being advertised on the internet. The advertisement is associated with Sports Illustrated and features models associated with sexual imagery in the magazine performing the safety message in bikinis. The video is inappropriate because of the overt sexual objectification of the women in the video which for safety purposes needs to be viewed by all airline passengers. It promotes an inappropriate magazine and the content should not be paired with a safety message.

THE ADVERTISER'S RESPONSE

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

Question as to ASB jurisdiction.

We note that the Advertising Standards Bureau (“ASB”) considers that it has jurisdiction over this safety video on the basis that it appears as an “advertisement” on YouTube™ videos within Australia.

We would point out that safety video is primarily a communication between Air New Zealand and its passengers. Accordingly we in-flight safety video falls more roundly into the ASB’s definition of “Excluded Advertising or Marketing Communications” which in turn raises the issue of the jurisdiction of the ASB over this in-flight safety video.

The in-flight safety video’s primary purpose is to communicate in flight safety procedures to Air New Zealand passengers. It is a mandatory requirement that safety messages are provided to passengers on each flight.

Air New Zealand has found that by deploying, clever, witty, fun and interesting safety videos, that passengers engage with the safety messages more than the industry standard safety video.

This particular in-flight safety video is set almost entirely within the Cook Islands, and uses swimsuit models from Sports Illustrated, Air New Zealand staff and Cook Island locals to communicate the safety messages.

We trust that having provided the ASB with a link to the video on YouTube™ there is little to no point in providing a transcript of the video, nor details of our advertising agency or media buyer.

Air New Zealand’s comments in relation to the complaint

The ASB has asked Air New Zealand for comprehensive comments in relation to the complaint.

The notice received from the ASB noted that the ASB had not seen or heard the advertisement and suggested that matters (other than those made by the complainant) will be considered against the entire of Section 2 of the AANA Code of ethics.

We disagree with this approach, and see no need to argue that the in-flight safety video in some way transgresses parts of Section 2 that don’t appear to be at issue. For example there is no suggestion in the original complaint (nor in any other commentary that we have seen) that remotely suggests that violence (section 2.3), language (section 2.5) or health and safety

(section 2.6) are at issue here.

Accordingly, our response is limited to responding to the following subparts of section 2 of the ANA Code of ethics: section 2.1 (Discrimination or Vilification); section 2.2 (Exploitation and Degradation); and section 2.4 (Sex, Sexuality and Nudity).

Section 2.1 (Discrimination or Vilification)

We don't believe that this is in any way at issue. There are no grounds on which a reasonable person could assert that any person or section of the community is discriminated against on any of the grounds of race, sex, age etc.

Cook Islanders, Swimsuit models and Air NZ staff featuring the in-flight safety video are all treated respectfully.

Section 2.2 (Exploitation and Degradation)

Aside from the safety messages throughout the in-flight safety video, the other key feature is the Cook Island destination. This is the first time that our safety video has been filmed outside of New Zealand. This in itself has been the topic of some debate here in New Zealand.

The Cook Island theme has been promoted by the use of Cook Island locals and scenery throughout the in-flight safety video. We'd point out that in one shot, Cook Island men are seen paddling a canoe in traditional dress with bare torsos. There appears to be no suggestion on the part of the original complainant that Air New Zealand is somehow objectifying, exploiting or degrading those individuals even though they appear in a similar state of dress as the swimsuit models.

Air New Zealand conducted initial testing with customers and members of our staff prior to release and the issue of "objectification" of women was not flagged as a concern. We suspect that this is partly due to our regular advertisements of tropical or beachside destinations frequently feature people in normal beachwear enjoying the sun and surf. It is only natural, given the Pacific Island setting of this in-flight safety video, that the participants are dressed in beach / pool side attire.

Air New Zealand also took a great deal of care in filming this content. It has been shot in a tasteful way and the team producing the video was led by women. We were also minded that we needed to be sensitive to those more conservative markets of our potential passengers, in particular; Japan and China. We'd point out that we have had no complaints from either of

those markets.

In sequences where attention was required to a particular part of the body (for example the sequence where we demonstrate how to fasten the seat-belt across your lap) the swimsuit model, wore clothing in addition to a swimsuit.

At no point in the video is particular or unnecessary attention focussed on a part of any female body in a gratuitous or lecherous way.

We also draw your attention to an online survey prepared by CNBC (enclosed with this response) where 90% of online respondents confirmed their view that the in-flight safety video was not “sexist”. In our view, this supports the view of the reasonable person.

It would seem to be an even higher threshold for the ASB to assert that beyond “objectification” there has been “exploitation or degradation” of women and consequently a breach of section 2.2.

Section 2.4 (Sex, Sexuality, Nudity)

As for section 2.1 (Discrimination, Vilification) we don't believe that this is at issue. There is no sex, nor reference to sex, in any of the content. Nor is there any reference to any person's sexuality.

Nor do we believe that nudity is at issue. This is a relaxed beachside or poolside setting and all participants are dressed accordingly. There is no content in the in-flight safety video that a visitor to Bondi or Manly beach wouldn't see.

Nor indeed does it appear to go any further that the Sunshine Coast tourism board's own site promoting the Sunshine Coast as a destination (please see <http://www.visitsunshinecoast.com.au/contact-us>), where images of women in swimsuits feature.

Conclusion

We are disappointed that the ASB have escalated this to review before even reviewing the content. It appears that the complainant's real objection to the in-flight safety video is contained in the final sentence. “It promotes an inappropriate magazine and the content should not be paired with a safety message”.

It is clearly a personal view that the complainant considers “Swimsuit Illustrated” magazine inappropriate. While the complainant is entitled to that view, it hardly seems representative of the general population given that the magazine has celebrated its 50th year of publication and has a particularly wide audience.

This in-flight safety video has had over 4 million views on YouTube™ (and 4.7 million views if you include the Chinese video sharing site). This is the first “official” complaint that we’ve received.

We trust that the ASB will find that there has been no breach of any AANA standards and dismiss the claim accordingly.

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 complainants’ concerns that the advertisement features images of women that are inappropriate and sexually objectifying women.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that although an inflight safety video itself may not fall within the scope of the role of the Board, the same video available on the internet is considered marketing communications for the purposes of the Code, as it can be considered to draw the attention of the public in a manner to promote the advertiser’s services and is therefore able to be considered by the Board in this manner.

The Board noted that the advertisement includes scenes of flight attendants and models from the Sports Illustrated magazine dressed in beach attire demonstrating the steps of the safety demonstration as per those shown on board an aircraft.

The Board noted that the models in the advertisement are accurately demonstrating the safety procedures and that these procedures are very important for passengers to be familiar with and to understand. The Board noted that while demonstrating the procedures the women remain dressed in their bikini's.

The Board noted that the advertisement treats the subject matter with humour and in a manner which is intended to draw the attention of the viewers to the important issue of flight safety.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and did not breach Section 2.1 of the Code.

The Board then 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 complainants' concern that the portrayal of the women is sexualised and that the magazine that they ordinarily model in is an inappropriate publication and should not be linked to in flight safety.

The Board considered that the background history of people within an advertisement is beyond the scope of the Code and as such is not a matter that the Board can adjudicate upon. The Board noted that it is unusual to present the safety messaging in this manner but agreed that the message is still clear and is not obstructed by the use of attractive women.

The Board considered that some members of the community may feel uncomfortable watching this demonstration because of the women wearing only bikini's, but considered that the content of the message and the portrayal of the women in the demonstration was not sexualised and did not treat the issue of sex inappropriately.

Based on the above the Board considered that the advertisement being available on YouTube did treat the issue of 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.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.