



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0088/13</b>
<b>2</b>	<b>Advertiser</b>	<b>WIRES</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/03/2013</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

This 15 seconds advertisement opens on a koala clinging to a metal pole. The camera pulls back to show that the koala is in a room with an out of focus girl pole dancing in the background.

The voice over says, "We find native animals in places they shouldn't be. Help us get them back to where they belong. Donate to WIRES animal rescue service."

### THE COMPLAINT

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

*The advertisement is demeaning to women, and is of a very sexual nature during day time television.*

*I was not happy to view this in my own home, especially at that time as my four year old was also watching.*

*My choice as a women and a parent is that the sexual content is not appropriate when I did not consent to viewing that in my own home and certainly do not consent to my four year old viewing something that is derogatory to women as a whole.*

*My four year old now has an image of a pole dancer in his mind that I would have preferred that he not have and would not have been exposed to until much later in his life had this advertisement taken that choice away for me as a parent and him as an individual.*

*I also have female children who were not present at the time but I certainly object to then having to view something as derogatory as this at such a young age. Is this the expectations that our society places on women.*

*Why do we need to have a women dressed scantily, dancing provocatively around a pole to ask for support to save out wildlife at all, let alone in the middle of the day?*

## **THE ADVERTISER'S RESPONSE**

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

*WIRES - The NSW Wildlife Information Rescue and Education Service is a not for profit charity that was established in 1985 after an injured native animal was found in Hyde Park in Sydney and there was no agency or organisation able to help the animal.*

*WIRES operates via a network of over 2000 volunteers who give their time and energy to assist native animals that have been orphaned, injured, sick or distressed and displaced. Our mission: WIRES aims to actively rehabilitate and preserve Australian wildlife and inspire others to do the same.*

*WIRES receives less than 2% of its funding from government and relies on the generosity of the public to continue our work. Our rescue call centre and regional branches take in the vicinity of 100,000 calls each year and we are able to assist more than 65,000 native animals and provide information and education to the public about native wildlife.*

*While we do have a loyal following who donate regularly to WIRES, they tend to be older members of the community and the "Koala" TVC was developed to achieve cut through to a younger and different community member and to jolt them into taking action by donating to WIRES. To make people think about the work we do and how human actions often result in animal displacement.*

*With regard to the complaint lodged we would like to point out that the CAD classification was PG and that the complainant indicated the TVC was seen on a weekday at 12.45 pm. This falls within the CAD requirements for PG ratings where it is not able to be aired between 6-8.30 am or 4-7 pm on weekdays and we have no knowledge that it has been aired to contravene these conditions. Because we have only released this TVC for community placement we have no say on when the stations air it and no media schedule.*

*In addition we would think that the audience for a show like "Ellen" which was being viewed by the complainant and the content of the Koala TVC content were consistent with the PG rating given by CAD.*

*In relation to Section 2 in the Code of Ethics for consumer complaints we believe only section 2.2 and 2.4 would have any bearing on the complaint lodged.*

*In relation to section 2.2 we do not believe the TVC employs sexual appeal in a way that is exploitative and degrading. This is because the dancer image is out of focus and intended to give only an indication of the inappropriateness of the location for the koala featured in the advertisement. There is no audience in the footage, the room is empty, the background music is not suggestive and there is no context to suggest the woman is being degraded or exploited in any way. In relation to section 2.4 there is no sex or nudity and the relevant audience is*

*not children, the TVC is clearly targeting those old enough to donate to our charity. Please accept this submission in good faith we trust it meets your requirements.*

## **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 is demeaning to women and is too sexual for day time television.

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

The Board considered whether the advertisement complied with Section 2.2 of the Code which states, “Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the advertisement features a koala clinging to a pole and in the background we can see a female pole dancer.

The Board noted the complainant’s concerns that the advertisement is demeaning to women and considered that whilst many members of the community are uncomfortable with the idea of female pole dancers in the Board’s view the depiction of a pole dancer does not of itself amount to a depiction which is exploitative and degrading.

The Board noted that the pole dancer in the advertisement is seen in the background and that she is wearing a bikini style outfit. The Board noted that the focus of the advertisement is on the koala in the foreground and considered that the image of the woman was blurry and in this context was not an image which was exploitative and degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to women.

The Board determined that the advertisement did not breach Section 2.2 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 the complainant’s concerns that the advertisement is too sexual for daytime television. The Board noted the advertisement had been rated ‘PG’ by CAD and that the complainant had seen the advertisement during Ellen.

The Board noted that in some circumstances pole dancing has sexual connotations however the Board considered that in this instance the focus is on the koala and the need to care for koalas rather than the pole dancer and that the overall sexual tone of the advertisement is not so sexualised as to be 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 complaints.