



Case Report

1	Case Number	0096/16
2	Advertiser	The Comfort Group
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a couple sleeping in a queen bed, covered by a sheet. At the foot of the bed is a line of sheep, waiting their turn to be counted as they jump the fence. The woman awakes suddenly and sits up, as does the man. Both look directly at the sheep at the foot of the bed. The man and woman then talk directly to the sheep. The woman tells the sheep she hasn't needed to count them since getting her new Serta Perfect Sleeper bed. The man nods agreement. The sheep are shocked. One faints and is attended to by another sheep.

THE COMPLAINT

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

The advertisement has sexual connotations in a verbal manner. I think this advert is inappropriate when children are watching and should be removed from air at those times.

THE ADVERTISER'S RESPONSE

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

This is a visual advertisement on TV and on you Tube. It is not used on radio.

The couple are initially shown sleeping, without personal contact, and then talking to the

sheep. They are wearing practical sleepwear and are covered by a sheet. The woman and man have been faking counting sheep ever since they got their new Serta Perfect Sleeper so as not to disappoint the sheep, but feel they can no longer continue to do so.

The words complained of (“You’ve been faking it?”) are, of themselves, not sexually explicit or indecent or obscene – it is a phrase that can be found in use in many contexts. As a phrase therefore we do not believe that it is giving rise to “sexual connotations in a verbal manner” as stated in the complaint.

We have also reviewed the advertisement as a combination of words and visual impact. The words complained of are immediately preceded by the phrase “Sorry I haven’t been counting you for months”, addressed directly to the sheep. The context is very clear, that the phrase “You’ve been faking it?” as spoken by the sheep is solely directed to the activity of counting sheep and not to any other activity.

There is no overt or suggestive sexual innuendo. All eye contact is solely between the person speaking and the sheep – there is no eye contact or suggestive glances or touches between the couple that may suggest any sexual connotation. At all times the sole focus of interest is on the counting of sheep.

The fact that the advertisement, which is for a bed, includes a couple lying down on and then sitting up in bed does not create a sexual implication. We do not believe that it is reasonable to assume that children will receive a sexual message from this advertisement. The target audience is adults, being the persons who make bed buying decisions, and the intention is that the advertisement is entertaining and cute, generating sympathy for the sheep whilst still promoting the product.

As such we believe the advertisement and the broadcast schedule met the requirements of the Code. In forming this view we note the total lack of violence, nudity and coarse language. We also continue to believe that the advertisement does not contain or imply any sexual behaviour. We also note the storyline, the humour of the situation and the relevance of counting (or not counting) sheep when getting a good night’s sleep.

Notwithstanding the above, should it be determined that this phrase, in the absence of any other verbal or visual element of sexuality, does have a sexual meaning then we submit that this is extremely mild in impact, subtle and justified by the context. As such we believe it would be suitable for children to watch without supervision.

Section 2 of the Advertiser Code of Ethics:

We note that our response should address all parts of Section 2 of the AANA Code of Ethics and in that regard we note as follows:

2.1 - Discrimination or vilification - we do not believe the advertisement raises any issues of discrimination or vilification.

2.2 - Exploitative and degrading - we do not believe the advertisement shows any exploitative or degrading statements or pictures.

2.3 – Violence – the advertisement does not depict any violence.

2.4 - Sex, sexuality and nudity – we have addressed the specific complaint above – as a further general comment in relation to the Code of Ethics we note that the 2 adults are shown fully clothed in a non-compromising situation without any express or implied sexuality.

2.5 – Language - no offensive language is used.

2.6 - Health and Safety – no issues of health and safety arise.

Section 2 of the Code also incorporates the AANA Code for Advertising and Marketing Communications to Children – this advertisement is not specifically marketing to children and the product is not a product that children would be expected to endeavour to influence their parents to purchase. The AANA Food and Beverages Marketing and Communications Code is not relevant to our product or this advertisement. Our advertisement does not advertise or feature any alcohol.

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 has sexual connotations and is not appropriate for viewing by children.

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

The Board noted that the advertisement shows a couple sleeping. When the couple wake up, they see a line of sheep at the end of their bed. The woman tells the sheep she hasn’t needed to count them since getting her new bed. The sheep asks whether she has been faking it, to which the woman responds, ‘every night’.

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 considered the image of the couple. The Board noted that the couple are depicted fully clothed and there is no overtly sexual behaviour, other than the couple being in bed.

The Board considered the language used in the advertisement. There is reference to ‘faking it’ however the Board considered that given the specific reference to sleep, any double entendre was unlikely to be understood as a specific or general sexual reference by children, who were more likely to interpret it as ‘faking sleep’.

The Board considered that the advertisement 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.

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

dismissed the complaint.