



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0110/14
2	Advertiser	RAMS Home Loans Pty Ltd
3	Product	Finance/Investment
4	Type of Advertisement / media	TV
5	Date of Determination	23/04/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Dave, a self-employed tradesman is in conversation with Raymond (the talking CGI Ram that is the RAMS Brand Mascot). He tells Raymond that he took his advice, Raymond queries whether that was the advice about Kenny's shorts as the camera pans to Kenny (a second tradesman in the commercial) – we see Kenny making an adjustment to his shorts as he ascends a ladder. Dave responds to Raymond by saying no and explaining the advice he took from Raymond was about talking to RAMS about a home loan. After Dave explains his experience in dealing with RAMS, Raymond makes the quip "At least someone's go things covered" as we see both him and Dave looking towards Kenny whilst Kenny bends to pick items up off the ground – although nothing is actually seen on screen it appears from their expressions, that both Dave and Raymond have seen something that would rather have not seen. The commercial concludes with a female voice over suggesting that the self-employed should talk to RAMS about a home loan.

THE COMPLAINT

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

The original workman and the ram discuss the 2nd workman's inappropriately short workshorts. What is really offensive is, the camera then focuses, up close, on a very out of shape, middle aged man's bottom, and it is disgusting. The ad was shown 3 or 4 times tonight, and each time, I felt physically sick in the stomach. It is disgusting, and I do not want to have

some disgusting man's behind, close up, on my whole tv screen, showing the man sticking his fingers up his bottom. To me, it is completely unacceptable to have to see this.

THE ADVERTISER'S RESPONSE

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

- 1. No discussion at all is made with regards the workman's shorts in fact the conversation specifically refutes the notion that the advice given was about the shorts*
- 2. There is one close up shot which captures the tradesman's workshorts which lasts for approximately one second – the workshorts, whilst not as long as the first tradesman's workshorts are far from inappropriately short, the actor is at all times appropriately clothed and covered.*
- 3. The actor portraying the workman does adjust his workshorts, but only adjusts the exterior fabric of the workshorts, at no time does the commercial show or imply any action that would constitute "fingers up his bottom".*

ASSESSING THE COMPLAINT AGAINST THE AANA CODE OF ETHICS

SECTION 2 CONSUMER 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.

The commercial does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community.

2.2 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 commercial does not employ sexual appeal.

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.

The commercial does not present or portray violence.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The commercial does not contain sex, sexuality or nudity.

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.

The commercial does not contain inappropriate language.

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

The commercial does not depict material contrary to Prevailing Community Standards on health and safety.

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 depicts a close-up image

of a man's bottom in ill-fitting shorts and that we see him "sticking his fingers up his bottom".

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

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 that the advertisement features a tradie and a CGI Ram discussing the inappropriateness of the tradie's colleague's shorts.

The Board noted the complainant's concerns that the close-up image of the man wearing ill-fitting shorts is not appropriate. The Board noted that when the man bends over the reaction of his colleague and the Ram suggests that his shorts are revealing but considered that this suggestion is implied as we do not see what they can see. The Board noted that all other scenes featuring the man in the shorts show his bottom and private areas completely covered by the material of the shorts and considered that the advertisement does not depict any nudity.

The Board noted the complainant's concerns that we see the man "sticking his fingers up his bottom". The Board noted that we see the man rearranging his underwear through his shorts and considered that the complainant's interpretation of this scene is one which is unlikely to be shared by the broader community. The Board considered that it is not inappropriate to show a man rearranging his underwear in this manner as the scene is very brief and we do not actually see his undies or his private area.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.