



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0111/12
2	Advertiser	ACP Publishing Pty Ltd
3	Product	Media
4	Type of Advertisement / media	TV
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A 15 second TV advertisement featuring images and articles from the February issue of CLEO magazine. A female voice over tells of some of the exciting stories inside. It also promotes a Seduce dress reader offer. The ad concludes by showing the cover of the magazine and the message that it is out now - it features Ruby Rose on the cover.

THE COMPLAINT

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

The advertisement was sexually explicit and totally inappropriate to be aired at the particular time on evening news ad breaks. We ended up having to turn the news off.

Our children were still awake. It was sometime between 5pm and 7pm.

Cleo Magazine should definitely not be allowed to advertise in the early evening on any channel watched by families.

I called the channel immediately and got fobbed off. The lady on the telephone said that there was nothing that could be done that it was all set automatically and I would have to call the station on the next business day. Totally unacceptable response. There should be a way that they can withdraw offensive advertising immediately.

THE ADVERTISER'S RESPONSE

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

Looking at the Code, Provision 2.4 provides that advertisements must “treat sex, sexuality and nudity with sensitivity to the relevant audience”. We note the complainant’s specific concern that the advertisement is “sexually explicit” and “totally inappropriate to be aired at the particular time, on evening news ad breaks”.

The advertisement in question is promoting CLEO Magazine, a magazine traditionally aimed at women aged 18 and over. We note the magazine is known for featuring articles relating to topics of interest for its intended demographic, including articles relating to health, beauty and sexuality.

With regards to treating sex and sexuality with sensitivity, we note that there are no explicit references to sex or sexuality in the advertisement. The advertisement highlights that the latest issue of the magazine includes “hot body secrets”, “feel-good tricks” and “bedroom tips”, and briefly shows images of the articles that these relate to, however such references are extremely mild and brief, and unlikely to offend most reasonable viewers. Further, such brief and mild references are subtle in nature and any sexual references are unlikely to be understood by children.

We note that the advertisement features the word “Seduce” however this is in reference only to the clothing brand of the same name and is directly relevant to the advertisement as the magazine features a promotion featuring a dress from this brand, a fact that is made clear in the advertisement itself.

In regards to whether the sensitive treatment of the subject matter was relevant to the audience, and appropriate for the time zone, we note that the advertisement was classified by CAD with a PG rating, and was played only during timeslots appropriate for such a classification. We note the complainant suggests the advertisement was aired between 5pm and 7pm during the evening news, and we can confirm that the advertisement was broadcast during this period, however on weekends only, in accordance with its classification. In our view, the advertisement treated its subject matter with a level of sensitivity that was appropriate for the audience it was broadcast to.

Accordingly, we submit that the advertisement does not breach Provision 2.4 of the Code, on the grounds that it does treat sex and sexuality with sensitivity to the relevant audience. We further submit that the advertisement does not breach any other provision of the Code.

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 was screened during programs which have a strong family orientation and features sexually explicit images.

The Board reviewed 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 the advertiser’s response that the advertisement had been rated PG by CAD and that the advertisement was screened in the appropriate time slots for a PG classification.

The Board noted that the advertised product is a magazine with a female readership and is also classified as a category that is able to be advertised in general media.

The Board noted that the images of women in the advertisement are consistent with fashion magazine images and are relevant to the product. The Board noted that the female voiceover uses the word “sexier” and refers to bedroom tips which will make the neighbours complain. The Board considered that the use of the word ‘sexier’ in this context was not inappropriate and that the advertisement as a whole had at most very mildly sexual references. The Board considered that most members of the community would find the content of the advertisement to be not inappropriate for the relevant audience and time zone.

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 complaint.