



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0112/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Meat &amp; Livestock Australia Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>15/04/2015</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

Both versions of the TVC (60 second and 30 second) are made up of various fast paced scenes which depict a variety of people attempting to overcome every day challenges. The challenges depicted include: running to avoid a parking ticket, opening a jar of tomato relish, carrying a large number of shopping bags from the supermarket to a car, running to get a bus, pushing a car out of mud and a mother trying to get a t-shirt on her young son at a local public swimming pool. The TVC also features a selection of audio broadcasts from various sports commentators which provides a narrative for each different scene. The TVC ends with the depiction of various people eating a beef meal with beef positioned as the source of fuel which has helped them overcome the every day challenges that life poses. The slogan 'You're better on beef' accompanies these final images.

## THE COMPLAINT

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

*It is offensive and unnecessary to show the young mother's skirt blowing up to reveal her underwear.*

## THE ADVERTISER'S RESPONSE

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

*The complaint relates to one of the storylines, namely the story of the mother who is trying to get a sun shirt on her young son at a public swimming pool. Specifically, the complaint alleges that it is offensive and unnecessary to show the young mother's skirt blowing up to reveal her underwear. The ASB has suggested that this may be in breach of section 2.4 of the AANA Code of Ethics (the Code). Section 2.4 of the Code provides that "advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".*

*MLA submits that the complainant has incorrectly described what is depicted in the relevant storyline. In particular, the mother is not wearing a skirt, which is then blown up to reveal her underwear. Rather she is wearing a modest 2 piece swimsuit at a public swimming pool. The swimsuit bottom has a skirt-like frill. This frill is attached to the mother's swimsuit bottoms. The frill moves or may blow up as the mother moves, however, this does not result in the exposure of any skin or nudity.*

*MLA submits that the swim wear clothing worn by the mother in these scenes is modest and appropriate given the location of the scenes which is a public swimming pool. Further, the mother's various poses and positions are not sexually suggestive or inappropriate. Rather the short scenes depict her running after her child, bending over to catch her breath and kneeling on the ground. These poses and movements quickly convey the narrative action, are appropriate to the story line and consistent with the overall TVC theme "life is a sport" which presents various physical challenges which different people encounter every day.*

*MLA submits that there has been no breach of section 2.4 of the Code. There is no nudity in the TVC, or any reference to sex or sexuality. Rather the TVC is a sympathetic portrayal of a young mother in a discreet and modest swimsuit, which is appropriate given the public pool setting. There is nothing in these scenes which is sexually suggestive or inappropriate for the relevant audience. The mother is simply shown to be a good mother, who is trying to put a sun-shirt on her child, most likely to protect him from the sun.*

*With regard to the balance of the Code, section 2.2 provides that 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 AANA Code of Ethics Practice Note provides some guidance on the terms "exploitative" and "degrading". Specifically, it notes that "exploitative" means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values. "Degrading" means lowering in character or quality a person or group of persons. For the reasons identified above, MLA submits that there is also no breach of this section of the Code. Far from being exploitative of the mother character and her appearance, the TVC is sympathetic towards her and dresses and shows her accordingly.*

*For the above reasons Meat & Livestock submits that the TVC does not contravene the Code and that the complaint should be dismissed*

## **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 young mother's

skirt blowing up and exposing her underwear which is offensive and unnecessary.

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 this advertisement features various scenarios where different people try to overcome challenges such as running to avoid a parking ticket, opening a jar of food, carrying numerous shopping bags and so on.

The Board noted the scene showing a young woman chasing a young child and considered that she is wearing a two piece swimsuit and that the swimsuit bottoms have a skirt-like frill. The Board noted that the woman is chasing her young child in an attempt to put a sun shirt on him and considered that in the context of a public pool setting the depiction of a woman wearing a two piece swimsuit is not inappropriate, offensive or unnecessary.

The Board noted that the camera does focus momentarily on the woman's bottom but considered that this scene is fleeting and is intended to show the woman's struggles with protecting her child from the sun rather than a gratuitous shot of a part of her body. The Board noted that all the private areas of the woman are covered and considered that the level of skin exposure is consistent with attending a public swimming pool.

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.