



Case Report

1	Case Number	0113/16
2	Advertiser	Expedia
3	Product	Travel
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 focuses on a married couple who, upon finding out they're 'childless' for the weekend, book a last minute romantic weekend away. Their excitement builds with each scene, which is amplified by humorous "oooooooo" squeals from the couple. The end scene shows the husband dressed as a horse and the wife dressed as an equestrian rider. She cracks a riding crop in her hand and he canters and walks like a proud dressage horse, his 'oooooooohs' turn into "neighs".

THE COMPLAINT

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

Is before 9 pm, I think advertising of last minute travel website is inappropriate for this time of the day, I think fetish advertising is little bit too much.
I object to the promotion / allusion of kinky sex at the end of this ad. The woman is dressed as a horse rider and the man is dressed as a horse. It is not necessary in getting the idea across about accommodation bookings. It is some advertising guru pushing their own agenda.

THE ADVERTISER'S RESPONSE

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

We refer to the complaint received in relation to the advertisement for lastminute.com.au featuring a couple making a booking on lastminute.com.au and subsequently staying at the fictitious, “The Stables Guesthouse” (Advertisement).

Summary Response

We do not consider that the Advertisement breaches Section 2, or any other section, of the AANA Code of Ethics. As set out in further detail below, we take our advertising responsibilities seriously and have a strong compliance track record. All advertisements relating to lastminute.com.au, including the Advertisement, are subject to a number of strict internal and external processes against which any proposed advertisement is considered.

In relation to the specific information requested, we note as follows:

Description of the Advertisement: The Advertisement focuses on a married couple who, upon finding out they’re ‘childless’ for the weekend, book a last minute romantic weekend away. Their excitement builds with each scene, which is amplified by humorous “oooooooo” squeals from the couple. The end scene shows the husband dressed as a horse and the wife dressed as an equestrian rider. She cracks a riding crop in her hand and he canters and walks like a proud dressage horse, his ‘oooooohs’ turn into “neighs”.

Comments in relation to the complaint

The Advertising Standards Bureau requests that we address all parts of Section 2 of the AANA Code of Ethics, being sections 2.1 (Discrimination or vilification), 2.2 (Exploitative and degrading), 2.3 (Violence), 2.4 (Sex, sexuality and nudity), 2.5 (Language) and 2.6 (Health and Safety). Our response in relation to these sections in the context of the Advertisement and the complaint is set out in below:

2.1 Discrimination or vilification

The Advertisement does 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.

As none of the criteria evidencing discrimination or vilification are depicted in the Advertisement, the content of the Advertisement does not amount to a breach of Section 2.1 of the AANA Code of Ethics.

2.2 Exploitative and degrading

While the Advertisement contains a sexual role-play reference in its final scene, the Advertisement does not employ sexual appeal in a manner which is both exploitative and degrading of any individual or group of people. The sexual reference contained in the Advertisement is at all times positive, discreet and appropriate to the circulation of the Advertisement in accordance with the “M” rating assigned to the Advertisement.

The Board considers the definition of exploitative as, “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” and the definition of degrading as, “lowering in character or quality a person or group of persons”.

Neither of these definitions are breached by the Advertisement. In this regard:

(a) it is apparent at all times that the characters were both in control of their decision to book their weekend away in order to engage in their escapist fantasy and that their shared excitement was mounting throughout the Advertisement;

(b) the characters are presented as confident, happy, and secure in their surroundings while engaging in the role-play activity; and

(c) the role-play scene at the end of the Advertisement is presented in a humorous and light-hearted matter.

Further, the costumes and props are carefully used so that the effect of the role-play scene in the Advertisement is suggestive rather than explicit: There is no suggestion of a threatening or predatory behaviour, or anything else that would objectify or demean the characters.

In our view, the use of the suggestive role-play scene is relevant to the accommodation booking services on lastminute.com.au as it enables people to act spontaneously to book a dream weekend away.

2.3 Violence

While the role-play scene contains a suggestive reference to spanking with a riding crop, this is distinct from sexual violence or other suggestions of menace, and instead suggests gratification or pleasure.

Further, the theme and elaborate costumes used in the Advertisement are styled in a way that presents them as a playful and humorous fantasy

2.4 Sex, sexuality and nudity

The Advertisement does not display nudity or any other form of undress. We are also of the view no part of the Advertisement is highly sexually suggestive as it does not contain pornographic imagery or language.

We note that the way in which the role-play scene is playful and humorous and is not depicted in an erotic manner. Accordingly, the Advertisement does not carry connotations of sexuality. Further, even if the role-play scene were deemed to be sexual, it is not highly sexually suggestive or inappropriate for the relevant audience. In this regards, the booking services on lastminute.com.au are only available to persons who are at least 18 years of age and who hold a credit card.

2.5 Language

The Advertisement does not use any strong or obscene language.

All language used in the Advertisement, whether by the characters within the Advertisement

or the voiceover is appropriate.

2.6 Health and Safety

The Advertisement does not depict practices or images that are unsafe, children may imitate, could contradict bullying or that shows an unequal relationship between people in the Advertisement (particularly in regard to children).

While the role-play scene may be considered unsavoury to some members of the community, such activity is not unsafe for an average adult in a consensual arrangement, such as the characters in the Advertisement.

The scene is clearly positioned through the use of actors over the age of 30 years and the scenario is not targeting activities of children or suggesting anything that children may be likely to imitate.

Finally, in light of the mutual excitement of the characters, the role-play scene does not suggest bullying in any way or the existence of any non-consensual, unequal relationship.

The intention of the Advertisement is to promote the online booking services offered by lastminute.com.au by creating the atmosphere of a spontaneous and indulgent weekend for the married couple in the Advertisement and sharing their increasing excitement with the audience. This is executed in a way that fits with the playful and quirky nature of the lastminute.com.au brand.

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 features an allusion to kinky sex and is not appropriate for broadcast before 9pm.

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 this television advertisement features a couple getting excited about their forthcoming weekend away and ends with the couple in a hotel room with the man dressed as a horse and the woman wearing riding gear.

The Board noted the complainants’ concerns that the advertisement features a fetish practice which alludes to kinky sex. The Board noted that the final scene of the advertisement shows the man on all fours with a saddle on his back as well as a fake mane and gloves which are mimicking hooves and considered that he is clearly pretending to be a horse. The Board noted that the woman is wearing jodhpurs, white shirt and fitted black blazer, as well as a riding hat and boots and considered that the couple is clearly engaging in a form of role play.

The Board noted the woman is holding a riding crop which she smacks against her hand and considered that there is sexual innuendo however in the Board's view the couple in the advertisement is not shown to engage in any explicit sexual behaviour.

The Board noted that the advertisement had been rated 'M' by CAD which means it can be aired between 7pm and 6am each day and considered that the level of sexual suggestion did treat the issue of sex, sexuality and nudity with sensitivity to the relevant 'M' 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 complaints.