



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

1	Case Number	0118/14
2	Advertiser	San Remo
3	Product	Food and Beverages
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

The advertisement shows a man and woman passionately kissing in a kitchen whilst preparing a pasta dish. Opera style music plays in the background and the tagline is, "Anything goes with Zafarelli pasta".

### THE COMPLAINT

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

*The ad is too sexually explicit and to be shown at the time of the day when we think its safe for kids to watch TV is just not on. This ad needs to be taken off the air and I for one would not be buying Zafarelli pasta!*

*I think it's really sad when we have to start using sex to sell pasta ! The advertisement was unsuitable for a daytime advert and just too much sexual content that you should see in any advert let alone a daytime one selling pasta. I won't be buying their pasta that's for sure my kids love pasta but obviously they have no respect for their pasta is not aimed towards this section of the market only sex made people who can't keep their hands off each other long enough to boil some pasta !!*

### THE ADVERTISER'S RESPONSE

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

*With a wide choice of brands available, the pasta category is a highly competitive category. Traditionally, the majority of pasta brands target the Main Grocery Buyer within the traditional family unit (i.e. Mums and Dads). Zafarelli Pasta, however, looks to target young Australian couples in their twenties without children. With fewer commitments and obligations holding them back, they have a lot more room for spontaneity in their lives and like to act on impulse.*

*Our strategy is to reinforce the notion that Zafarelli pasta is a highly versatile product and one can be spontaneous and improvise with the ingredients with which you prepare a meal – something we believe should resonate with our target market's attitude to life. We are trying to express this point by aligning the ability to be spontaneous when cooking Zafarelli pasta with our target market's desire and ability to be spontaneous and act on impulse in their personal (and romantic) lives. With this in mind, we believe the context of our advertisement is relevant to our target market and their attitude to life.*

*We also believe we have obligations to the AANA Code of Ethics directive of "treating sex, sexuality and nudity with sensitivity to the relevant audience".*

*We appreciate that sex, sexuality and nudity must be treated with sensitivity to our relevant audience. Our advert aims to show spontaneity and passion as opposed to being lewd or smutty. What's more, as a brand with strong Italian cues (both in name and design) we drew inspiration from operatic pieces to reflect Italian passion and romance, which we believe is evident in the styling, the grading and the music selection of the advertisement.*

*Most importantly, however, the advertisement was assigned an "M" rating by CAD, which we were (and are) comfortable with in light of our target market. We have abided by this M-rating by adjusting our media buy accordingly and the rating was clearly communicated to the various TV networks.*

*Our understanding of the M-rating is that it creates the below TV restrictions:*

*Weekday "M" rating Restrictions:*

- Can't air 0500 – 1200*
- Can air 1200 – 1500*
- Can't air 1500 – 2030*
- Can air post 2030*

*Saturday and Sunday and School Holidays "M" ratings Restrictions:*

- Can't air 0500 – 2030*
- Can air post 2030*

*The complaints were submitted during a time of day when M-rating restrictions suggest it is acceptable for commercials with an M-rating to be broadcasted. As such we do not believe*

*we – or the networks – have breached any regulations accordingly.*

*Overall, we have been very careful during the planning, production and implementation of this particular campaign to ensure we would not breach any advertising codes and ensure we would minimise the possibility of offending people outside our core demographic.*

## **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’ concern that the advertisement depicts sexually explicit material of a couple getting intimate in a kitchen and this is inappropriate for children to view.

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 young couple preparing pasta in their kitchen whilst kissing passionately.

The Board noted that the advertisement had been rated ‘M’ by CAD.

The Board noted that the couple remain fully clothed throughout the advertisement and considered that whilst their kissing is clearly passionate in the Board’s view it is not inappropriate in the context of the stylised, operatic theme of the advertisement and the intended mature audience.

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 complaints.