



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0127-21
2. Advertiser :	Horticulture Innovation Australia Limited
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-May-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man sitting in an orchard. He says "Australian avocados. A national treasure at every table. As green and gold as our nation itself, which is why we're making ourselves the official unofficial sponsor of pretty much everything Australian. Ever. Sport. Transport. Wheelie bins. Wattle. Budgies. Smuggled budgies. Even this specific tree frog. Do we have the right? Officially, no. Unofficially, absolutely. Australian avocados, our green gold." While this is being said, the scene cuts to an avocado, scenes of avocado in meals, a child playing cricket in a yellow shirt and green shorts in a green grassy backyard, a yellow and green ferry near the Sydney Harbour Bridge, the man sitting beside a green and yellow wheelie bin, the man with a wattle branch, a close up of a green and yellow budgerigar (or "budgie") a male torso turning around against a sea backdrop where the male is wearing green and yellow "speedo" style swimwear (as the voice over says "smuggled budgies"), a green and yellow frog on a green leaf with a green background.

At the end of the advertisement the man is sitting in the orchard, holding an avocado, surrounded by green and yellow objects iconic to Australia including several green and yellow "speedo" style swimwear on a clothes line.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

This ad happened as I was watching a family program with my kids. My complaint is that it has a close up of a males penis in his speedos, I'm offended as I don't think it's fair to sexualise a male as I don't think we should sexualise a female. If this was a female with a close up shot of her vagina in a bikini, this ad wouldn't have been approved.

It is just basic public decency and in this age of sexual awareness and protection of children and exposure to sexualisation it is incredibly inappropriate. Considering it was an add about avocados! Healthy eating! Apart from the fact that I as an adult am not the least bit interested in looking at a strange mans penis through his bathers close up on TV and find it gross. It was a G or PG programme. Just pathetic and please remove. I am a doctor so no prude but honestly, so inappropriate.

THE ADVERTISER'S RESPONSE

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

The advertisement is a witty, humorous, light-hearted celebration of the place avocados hold in Australian culture. This advertisement is visually simple, allowing the audience to focus on the avocado and emphasising its relationship to other Australian icons. The green and gold colour palette used in the advertisement, and which features on the "speedo" style swimwear, aligns the visuals throughout the advertisement.

The advertisement has been reviewed and given a "G" CAD rating making it available for viewing by a board audience including children and its CAD reference number is G90UPFOA. The ClearAds Approval Slip is attached for ease for reference. The target demographic for this advertisement is people between the ages of 25-54 with no children and parents of children (not children themselves).

The advertisement is not directly targeted at children as it features a product more generally enjoyed by families, contains syncopation and adult vernacular (for example the witty plays on words) and a layer of complexity as the advertisement demonstrates that Australian avocados are on par with other established Australian icons and is a product that Australians should be proud of. The advertisement does not contain children's themes or perspectives or animated characters. Further, the advertisement complained of was shown on television at 20:33 a time where television programming has moved to mature program content. The advertisement is also shown at other times given the "G" CAD rating.



The inclusion of the "speedo" style swimwear is contextually relevant because it is a play on words from the preceding scene involving an image of a budgerigar (or "budgie"), as well as being considered an Australian icon, and is shown in the advertisement against an ocean backdrop connotating the beach (which is something that Australia is known for).

The depiction of the swimwear is consistent with Australian societal norms, completely covers the genitalia and is clothing that is appropriate for wearing on an Australian beach. The clothing is not sexually suggestive, the model is not shown in a sexually suggestive pose, nor is the model scantily clad, and there is no nudity depicted. The advertisement does not comment on whether wearing this style of swimwear is "attractive" or "unattractive", but instead acknowledges that this style of swimwear is iconic to Australia. Further, people wearing this style of swimwear have not been described in Australian media as having "sexual appeal". Rather newspapers have been derisive of Australian public figures such as former Prime Minister Tony Abbott and current Prime Minister Scott Morrison wearing this style of swimwear in public. With the advertisement's target audience consisting of people between the ages of 25-54, we consider that the depiction of a person wearing "speedo" style swimwear is not inappropriate, but rather engages the adult audience with a play on words, presented in a light-hearted manner, with respect to the audience.

The reasoning outlined above, is also consistent with the decisions that Advertising Standards Board have made regarding advertisements containing "speedo" style swimwear, such as case number 0129/17 involving Diageo Australia Ltd, case number 0511/16 involving Ozkleen, as case number 0532/17 involving Seek.com.au and case number 0382/10 involving Pharmicare Laboratories, all of which were dismissed. Further, the advertisement does not: (1) 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 orientation, religion, disability, mental illness or political belief; (2) use sexual appeal in a manner which exploits or degrades an individual or group of people; (3) present or portray any violence; (4) use any strong or obscene language; (5) in our opinion, depict material contrary to Prevailing Community standards on health and safety; (6) disguise itself as news, current affairs, market research, independent reviews or user-generated content, the content is clearly an advertisement and includes the Australian Avocado logo at the conclusion of the advertisement.

For these reasons, we submit that the complaint against this advertisement should be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainants' concern that the advertisement focusses on a man's genitals and is overly sexualised.

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

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

The Panel noted the Practice Note for the Code states:

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the man is not engaging in sexual activity and considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the man is wearing speedos and the bulge in the swimwear caused by his genitals is visible. The Panel considered that there was a sexual element to the advertisement.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the man in the advertisement is seen to be wearing speedos and considered the advertisement did contain partial nudity.



Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that the advertisement highlights things that are considered Australian icons, such as cricket, wheelie bins and budgies. The Panel considered that “budgie smugglers” are a stereotypical Australian swimwear.

The Panel considered that while the advertisement shows a close up of a man wearing speedos, his genitals are fully covered and the Panel noted that this scene is very brief, less than one second long.

The Panel considered that the sexuality and nudity in the advertisement was mild and was not inappropriate for a television audience.

Section 2.4 Conclusion

The Panel determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.