



Case Report

1	Case Number	0131/16
2	Advertiser	ACT Government
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a satirical character, Ricky Starr, whose persona is based on 1980s cult fitness guru Richard Simmons. The opening scene is a close up of Ricky's bottom from behind. Ricky is wearing silver shorts and a blue top and has his hands on his hips and is swaying from side to side. The camera pans back and Ricky turns around and says, "Hi Canberra!" before going on to say, "If you're trying to look your best, you've gotta stay flexible but firm" and we see him stretching his body and then flexing a plastic container. Ricky explains that only firm and flexible plastic should be recycled: "So remember, in recycling as in life firm and flexy is sexy".

THE COMPLAINT

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

The insinuation that the plastic that is allowed in the recycling bin is like the one he was holding 'firm and flexible', which he demonstrated whilst holding it. It was this 'firm and flexible' along with his effeminate actions that was offensive, and certainly gave my husband and I the impression that the ad was rather sexual. We are not pruders by any stretch of the imagination, but this was disgusting. Not at all necessary for the product, the audience and the government.

THE ADVERTISER'S RESPONSE

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

We note that the complaint has been made with reference to Section 2.4 of the AANA Code of Ethics. This section of the Code ensures that advertising should treat sex, sexuality and nudity with sensitivity relative to the audience.

We contend that the advertisement does not unduly promote sex or sexuality. Nor does it contain any nudity. While the character used in the advertising is clearly flamboyant, this is a central part of the character development and relates closely to the way fitness videos from that era were presented by Richard Simmons during his era. Our contention is that the advertisement and the way the character presents is entirely within reasonable community standards. Furthermore, we note that the complainant makes specific reference to the terminology 'firm and flexi'. The recycling industry broadly and commonly refers to plastics recycling using the term 'firm and flexible' as a description for what kind of plastic can be recycled as part of the household recycling program. This terminology has not been introduced as part of this campaign.

More broadly, in responding to this notice of complaint, we have also reviewed all items covered by Section 2 of the AANA Code of Conduct, with particular reference to sections 2.1 and 2.2. Our view is that the campaign does not contravene the code in any way.

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 concerns that the advertisement contains sexual innuendo and is not appropriate.

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 man named Ricky Starr demonstrating the correct treatment of recyclable materials.

The Board noted the advertiser's response that the actor is intentionally flamboyant as he is intended to resemble fitness instructors from years ago such as Richard Simmons. The Board noted that the actor is wearing silver shorts, a blue singlet and a head band and considered that his actions and the language used are reminiscent of fitness instructors from the 1980s who were well-known for flamboyant actions and tones. The Board noted that the advertisement opens on the actor's bottom as he swings his hips but considered that this image is in the context of a fitness instructor performing exercises and is not sexualised or inappropriate.

The Board noted the complainant's concern over the use of the phrase, "flexible but firm" in conjunction with the actor's poses. The Board noted the advertiser's response that the phrase "firm and flexi" is used to describe the types of plastic which can be recycled and considered that this phrase is not inappropriate in the context of an advertisement promoting recycling. The Board noted that when the actor demonstrates which types of plastic can be recycled he says that firm and flexi "can be sexy" and considered that his behaviour is not sexy and this tagline is not overly sexualised or inappropriate.

The Board noted that the advertisement had been rated 'W' by CAD which means it can be viewed by a broad audience which would include children. The Board considered that the word 'sexy' is not of itself inappropriate and the actor's behaviour and poses in the advertisement are not sexualised or inappropriate.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

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.