



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0149/14
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	14/05/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The opening scene of the Advertisement depicts a man in his living room sitting on the couch watching something on his laptop computer. His wife walks in and asks him to go and spend some time with his daughter and her friend. The Mum then imagines a highly embarrassing situation of the Dad trying to be 'cool' by attempting to dance with his teenage daughter and her friend. The Advertisement then goes back to the living room scene and after the Mum has imagined the possible ramifications of her suggestion to her husband, she quickly changes her tune and says: "Actually, on second thoughts, stay there and watch a movie instead."

THE COMPLAINT

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

When the father is dancing in front of his daughter and her friend his dancing is sexually suggestive and the children are obviously depicted to be in their young teen years. His manner of dancing in front of the children is offensive in its nature and the scene gives rise to a sense of paedophilia. For an adult male to dance in that way directly in front of (not just in the general view) of two young girls can only be labelled as perverted and almost criminally sexually suggestive.

THE ADVERTISER'S RESPONSE

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

The purpose of the Advertisement is to humorously promote PRESTO as the entertainment option that will keep adults entertained so as to avoid embarrassing their children.

Section 2.4 – AANA Code of Ethics

We understand that a consumer is concerned that the Advertisement breaches section 2.4 of the Code, which provides:

“Advertising or Marketing shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”

The consumer is specifically referring to the scene in the Advertisement where the dad is shown dancing in front of his teenage daughter and her friend. The scene is intended to depict an embarrassing scenario where the dad tries to be trendy by performing modern dance moves. The dad attempts to replicate dance moves performed by today’s most popular artists and his interpretation of these dance moves is intended to be light-hearted and humorous. This Advertisement is aimed to appeal to persons over 13 years of age, as it is likely that persons over 13 years of age can relate to the embarrassing scenario played out in the Advertisement. Some of the movements performed by the dad, especially the “twerking”, involve thrusting hip movements, a low squatting stance and pulsating arm movements.

Foxtel submits that, while these movements are mildly provocative, they are common dance movements that are appropriate to be viewed by the relevant audience. Accordingly, Foxtel submits that the depictions do not breach section 2.4 of the Code as the Advertisement treats sex and sexuality with sensitivity to the relevant audience.

Conclusion

Foxtel takes the concerns of its subscribers and its commitment to the community very seriously. We can confirm that the Advertisement was intended to be light-hearted and humorous; it was never intended to cause offence to its audience.

For the reasons set out above, Foxtel submits that the Advertisement has not breached section 2.4 of the Code.

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 Dad dancing in front of his daughter and a friend in a manner that is sexually suggestive and inappropriate.

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 man sitting on the couch watching

something on the laptop when his wife suggests he spend some time with his daughter. The wife then imagines him dancing in an embarrassing manner in front of their daughter and friend and so she suggests he stay and watch a movie. Information about Presto and watching movies anytime, appear on screen.

The Board noted the complainant's concerns that the dance moves of the Dad are sexually suggestive and inappropriate.

The Board noted that they had recently dismissed a similar advertisement for Foxtel where a Mum suggests her children go out and play before remembering what she did herself as a kid (ref: 0093/14).

The Board noted that similar to the case above, the advertisement is clearly intended to be humorous and is exaggerated in its depiction of the Dad doing something that would embarrass his daughter.

The Board noted that the movements performed by the dad, especially the "twerking", (involve thrusting hip movements and a low squatting stance) could be considered mildly provocative, but in the context of the scenario, the Dad performs the moves for the purpose of embarrassing his daughter and it does not depict him being sexually inappropriate or sexually suggestive.

The Board considered that the advertisement was not sexually suggestive and that most members of the community would find the advertisement humorous and would relate to the idea of having teenage children that can be easily embarrassed by the actions of their parents.

The Board noted that the advertisement had been given a "W" rating by CAD and that this rating reflects timing suited to the PG timeslot. The Board noted that the advertisement had been aired in the appropriate time for the rating.

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 complaint.

