



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0152/19
2	Advertiser	Sony Music Entertainment Australia Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features Beyoncé on stage performing various dance moves and is for the product 'Homecoming: Live Album'.

THE COMPLAINT

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

This ad is super inappropriate as it was shown during Peter Pan, which is a children's/family movie and it was around 7:30.

All you see is Beyoncé dancing around in shorts, very sexually shaking her bum at the camera! Not for a child's eyes to see.

Was not happy that it was played at this time.

THE ADVERTISER'S RESPONSE

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



I refer to your email of 28 May 2019 which sought comment on a complaint made in respect of a television advertisement for the Beyoncé album sold by Sony Music Entertainment Australia Pty Ltd. Our comments are as follows:

1. Advertisement Description

The advertisement relates to the Beyoncé ‘Homecoming: Live Album’ released by Beyoncé Knowles via Sony Music on 17 April 2019 (the Product). We have submitted the advertisement with this response.

2. CAD Classification

The advertisement was reviewed and classified by CAD. The advertisement was given a “G” classification.

3. The Complaint

Based on the information provided to us in your email, we understand that the complaint relates to a broadcast of the advertisement at 7:25pm on Friday 26 April 2019. We note that the complaint consists of three points:

- 1. That the advertisement was “super inappropriate as it was shown during Peter Pan”;*
- 2. That it was “not for a child’s eyes”; and*
- 3. That it included Beyoncé dancing “very sexually”.*

4. Sony Response

Sony’s response to each item outlined above, in respect of Section 2 of the AANA Code of Ethics (the Code) is as follows:

1. Response as to Section 2.4 of the Code:

We note that the complainant referred to Beyoncé dancing “very sexually”. However we do not consider the dance moves or costumes as being inappropriately sexualized for the relevant audience. The advertisement consists of a live clip of Beyoncé in concert performing a highly stylized routine in an appropriate context. The live clip incorporated into the advertisement was deemed appropriate for a “G” classification by CAD. All images are thematically relevant to the advertisement, which is intended to demonstrate an expression of culture and celebration of womanhood (which are also core themes of the Product being advertised). The clip includes a brief shot of the back of Beyoncé as she is dancing. This fleeting shot is not “very sexually” explicit or suggestive in nature, nor is it this the specific focus of the overall advertisement which in fact concludes with an image of the Product.



We disagree that the advertisement was “super inappropriate as it was shown during Peter Pan”. We reiterate that the advertisement has a classification of “G” and that we have complied with the restrictions of that classification. The advertisement’s classification of “G” is lower than the classification of the Peter Pan movie that it was shown in (“PG”). Whilst we acknowledge that it is likely that children would be watching television at 7:25pm on a Friday night, we note that the advertisement could not be considered an Advertising or Marketing Communication to Children (as that term is defined in the Code) and that the Product is not a good, service or facility targeted toward, or which has principal appeal to, children. Accordingly, we do not consider that the advertisement is inappropriate for the time slot and relevant audience.

2. Response as to Section 2.1 and 2.2 of the Code:

The advertisement does not make any negative representations of race, gender or ethnicity nor does it employ sexual appeal in a way which is exploitative or degrading of any individual or group. Accordingly, the advertisement does not contravene Section 2.1 and 2.2 of the Code.

3. Response as to Section 2.3 of the Code:

The advertisement does not present or portray any images of violence, and accordingly, does not contravene Section 2.3 of the Code.

4. Response as to Section 2.5 of the Code:

The advertisement does not contain language which is strong, obscene or inappropriate for the relevant audience and medium, and accordingly, does not contravene Section 2.5 of the Code.

5. Response as to Section 2.6 of the Code:

The advertisement does not depict any material which is contrary to Prevailing Community Standards on health and safety, and accordingly, does not contravene Section 2.6 of the Code.

6. Response as to Section 2.7 of the Code:

The advertisement is clearly distinguishable as such to the relevant audience, and accordingly, does not contravene Section 2.7 of the Code.

5. Conclusion



We do not believe that the advertisement contravenes the AANA Code of Ethics and respectfully request that the complaint 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 complainant's concern that the advertisement depicts Beyonce shaking her bottom at the camera and that this imagery was inappropriate for the timeslot of a family movie.

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

The Panel noted that this advertisement is for a music album and features Beyonce dancing on stage.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel noted that this advertisement is for a music album and features Beyonce dancing on stage. The Panel considered that the woman depicted in the advertisement did not appear to be engaged in sexual activity of any kind. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the complainant's concern that the advertisement depicts Beyonce shaking her bottom at the camera and that this imagery was inappropriate for the timeslot of a family movie.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters.' The Panel noted that for the application of the term in the Code, the use of male or female actors in an



advertisement is not of itself a depiction of sexuality.

The Panel noted that the advertisement features Beyonce dancing on stage in a yellow top and shorts. The Panel considered that while Beyonce is the focus of the advertisement, the dance style is common today. However, the Panel considered that a close up scene of Beyonce's buttocks while dancing in small shorts so that her buttocks were visible at the bottom was a depiction of sexuality.

The Panel then considered whether the advertisement depicted sexuality with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel noted that the requirement to consider whether a depiction of sexuality is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual references is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this was a television advertisement that aired during the film Peter Pan, which was rated PG, and as such the relevant audience would be broad and would likely include children.

The Panel considered that the advertisement depicted Beyonce on stage dancing, and considered that this style of dancing is one for which she is well known. The Panel considered that most children viewing the advertisement would see a singer that they are familiar with dancing in a manner for which she is known, and which is not dissimilar to many music videos. The Panel considered that the depiction of sexuality in the advertisement was sensitive to the relevant audience.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed' and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted that Beyonce was wearing small shorts and the bottom of her buttocks was visible. The Panel considered that although some members of the community would prefer the shorts to provide more coverage, the shorts are similar



to current fashion trends and this depiction of the woman is unlikely to be considered an issue of concern to most members of the community.

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

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

