



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0152-20
2. Advertiser :	Amazon Prime Video
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	13-May-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This TV on Demand advertisement is a promotion for various stand-up comedy specials for Amazon Prime Video. The advertisement features very short clips of some of the featured comedians saying a word or line from their special. The first comedian says, "well I'm doing a special for Amazon". The second comedian says, "it's harder, to get your vagina stuck in a vacuum cleaner". The third comedian makes a gagging noise. The fourth comedian says, "oh cheers". Text superimposed on the screen states, "Amazon original. 10 hilarious shows. Australia's funniest stand up specials."

THE COMPLAINT

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

Celia Pacquola said "It's easier to get your vagina caught in a vacuum cleaner" in the ad which was run during legomasters with my primary school aged children watching.

THE ADVERTISER'S RESPONSE

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



The advertisement is compliant with each element of Section 2 of the Code, as detailed further below. The advertisement is a 15-second promo for several stand-up comedy specials available on Amazon Prime Video. This advertisement was sold as a digital media buy and therefore was not required to be rated by CAD. The run of this advertisement will be completed on May 16, 2020.

2.1: The advertisement does not discriminate or vilify anyone based on race, ethnicity, gender, nationality, age, sexual preference, religion, disability, mental illness, or political belief.

2.2: The advertisement does not employ sexual appeal. The word vagina is used once and it is the proper medical name of a body part, it is not used in a sexual context.

2.3: There is no portrayal of violence in the advertisement.

2.4: There is no depiction of sex, sexuality or nudity in the advertisement.

2.5: The language used in the advertisement was appropriate for the circumstances. The word vagina is used once and it is the proper medical name of a body part.

2.6: There is nothing in the advertisement that is depicting material contrary to community standards on health and safety.

2.7: The advertisement is clearly distinguishable as an advertisement for various stand-up comedy specials available on Amazon Prime Video as it ends with a clear identification and call to action to viewers that the specials are available only on Amazon Prime Video and indicates that subscription fees apply.

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 is inappropriate for family viewing.

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

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 images depicted 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 considered that the use of the phrase 'easier to get your vagina caught in a vacuum cleaner' is not used in a sexual context in the advertisement and is not a description of sexually stimulating behaviour.

The Panel considered whether the advertisement featured sexuality. 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 the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the reference to getting a vagina stuck in a vacuum cleaner was used as an analogy for something difficult to do, and was not used in a sexualised context in the advertisement, but the Panel recognised that the reference may also be considered by some as a reference to a sexualised joke. The Panel considered that some members of the community would consider the reference to a part of a woman's sexual organs to be a recognition of sexual matters. The Panel considered that the advertisement did contain sexuality.

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 factor when considering whether an advertisement contains nudity.

The Panel considered that the comedians appearing in the advertisement were fully clothed. The Panel considered that a reference to a 'vagina' in itself is not a depiction of nudity. The Panel considered the advertisement did not contain nudity.

The Panel then considered whether the advertisement treated the issue of 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 considered that the requirement to consider whether sexual suggestion 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 suggestion 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 the advertiser's response that the word vagina is used once and it is the proper medical name of a body part.

The Panel considered that the complainant indicated that they had viewed the advertisement whilst streaming Lego Masters and that the audience for this show would likely be families and include children.

The Panel considered that the phrase as shown in the context of the advertisement was not describing a sexual act and was used in the context of a joke, although the entire joke was not related in the advertisement. The Panel considered that the word 'vagina' is the term for a part of female anatomy and is not of itself sexual language or inappropriate for the relevant broad audience.

The Panel considered 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.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

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The Panel noted that the word 'vagina' was not used in an offensive or derogatory manner, rather it was used in the context of telling a joke which was appropriate to the context of advertising a comedy special.

The Panel noted that it had previously considered the term 'vagina' in advertising in cases 0382-19, 0018-15, 0305-12 and 0306-12 and has consistently found that when used in a factual, straightforward manner is not a term which is inappropriate, strong or obscene. The Panel considered that the language used in the advertisement is not inappropriate for the circumstances and in the context of the promotion of a comedy show the use of the word "vagina" is not strong or obscene language. The Panel determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.