



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0156/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Universal Music Aust Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/05/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

This ten second advertisement opens with Havana Brown sitting on the floor holding a banana in her hand. We then hear her singing her song, "Big Banana" and we see Havana in a big bath full of plastic balls.

### THE COMPLAINT

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

*Highly inappropriate advertisement when children are watching The Voice. Shown far too early in the evening. I had to tell my children not to go around singing the 'big banana song' and explain what it was referring to.*

### THE ADVERTISER'S RESPONSE

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

*UMA does not accept that the advertisement breaches any element of Section 2 of the Code or the AANA's Code of Advertising and Marketing Communications to Children (Children's Code). UMA believes that it has fulfilled its obligations under section 2.3 of the Code (in relation to the treatment of sex, sexuality and nudity with sensitivity to the relevant audience). The advertisement in question was provided a CAD rating of "G" and has been displayed to the public in accordance with this rating at a general evening timeslot.*

*The advertisement is playful, bright and fun. There is no inappropriate nudity or sexuality. There is no use of the word "sex" or any other inappropriate language. While we regret that the advertisement was not to the complainant's taste, this does not indicate contravention of the Code.*

*UMA also does not believe that the advertisement contravenes the Children's Code. We believe that the ad does not meet the criteria to be an "Advertising or Marketing Communication to Children". The advertisement is not primarily directed to children 14 or younger and is not advertising a product which is targeted principally toward children. The timeslot during which the advertisement was run is targeted at a broad demographic in accordance with the "G" CAD rating.*

## **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's reference to "big banana" is offensive and not appropriate for viewing by children.

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 images of Havana Brown and the video clip for her song 'big banana.' The images include Ms Brown sitting on the floor holding a peeled banana and asking "do you have a big banana?" She is seen dancing around and singing and then is seen in a bath of multi-coloured plastic balls.

The Board considered that the overall image is in keeping with the public persona of Havana Brown and that her displays are typical of video clips and music that is designed to appeal to young adults and club goers.

The Board noted that the advertisement does include scenes that are of a mild sexual nature and contain double entendre relating to bananas, but that in the context of promoting her

album and release of this single was not inappropriate for children to see in this context.

The Board noted that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a “G” rating and only appeared in the appropriate timeslots for the rating given.

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

The Board then 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 and strong or obscene language shall be avoided”.

The Board noted that there was a double entendre relating to a big banana and a part of the male anatomy. The Board considered however that to understand this relationship, the viewer would likely be of a mature age group. The Board agreed that as ‘big banana’ is the name of the single it is appropriate to use footage and lyrics from the song to promote the release. The Board felt that although the language is mildly sexualised it is appropriate in the circumstances (including for the relevant audience) and is not strong or obscene and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.