



Case Report

1	Case Number	0160/13
2	Advertiser	Expedia
3	Product	Travel
4	Type of Advertisement / media	Internet
5	Date of Determination	22/05/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A couple get amorous in an elevator and pull away from an embrace when the doors open to reveal a family watching them. The advertised product is an app which allows you to easily book a hotel room.

THE COMPLAINT

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

The woman is portrayed as 'hanging out' for sexual encounters in a public area; likewise the male is depicted as opportunistic, predatorial and willing to have instant sexual gratification anywhere. The family are made to look disturbed by catching them in the act of implied sex in an elevator; however it has been given a humour bent to it. We don't find it humorous to have either gender depicted in a sexist manner. Nor do we find it acceptable to suggest that families with children would find this scenario humorous.

THE ADVERTISER'S RESPONSE

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

We refer to the email received on 9 May 2013 in relation to the above complaint.

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics (“the Code”). We note that the nature of the complaint relates specifically to the concern that the advertisement contains inappropriate sexual references.

We have carefully considered the Code, and have assessed its provisions against the content of this advertisement. We submit that the advertisement does not breach the Code on any of the grounds set out in the same.

Looking at the Code, Provision 2.2 provides that advertisements should not “employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people”. Further, Provision 2.4 provides that advertisements must “treat sex, sexuality and nudity with sensitivity to the relevant audience”. We note the complainant’s specific concern is that the advertisement depicts men and women in a “sexist manner” by implying a woman is “hanging out for sexual encounters in a public area” and a man as “opportunistic, predatorial and willing to have instant sexual gratification anywhere”.

We note the advertisement features a man and a woman embracing in an elevator as the doors open, which provokes a surprised reaction from them. A family waiting for the elevator reacts with embarrassment when they see the couple. The advertisement then describes the features of the Hotels.com smartphone app, whilst displaying the man softly kissing the woman’s shoulder, before they then walk out of the elevator with satisfied expressions on their faces, and holding hands.

In regards to Provision 2.2, contrary to the complainant’s concern there is nothing in the advertisement which implies the woman is a prostitute or that the man is a sexual predator. In our view the actions of the man and woman in the advertisement are not degrading or exploitative of either character. They are presented as a consenting couple, equally wanting to find a hotel room together. Neither appears to be being pressured into any sexual activity by the other. This is further evidenced by the confident and satisfied expressions and stances of both the man and woman characters as they exit the elevator, and the fact they both willingly hold each other’s hands at the end of the advertisement, which we note also demonstrates equality in their relationship.

In regards to Provision 2.4, we note that at all times in the advertisement the couple in question remains fully clothed, and do not undertake any amorous activity other than a close embrace, holding hands and light kissing on the shoulder in one scene. In fact, there are very few sexual references in the advertisement at all, and those that are present are extremely mild. For example, regarding the line “Need a room?”, we note most adults would understand the meaning of this expression, however it is unlikely to be understood by children. Further, regarding the reaction of the family, in our view this is a humorous expression that is exaggerated for comedic purposes, and is intended to convey the family’s surprise and embarrassment at finding a couple embracing in the elevator, however it does

not strongly imply that any inappropriate behaviour was occurring. Accordingly, as the sexual references in this advertisement are very mild, in our view the advertisement has treated sex with sensitivity.

In regards to whether such sensitive treatment was relevant to the audience, we note that the advertisement was classified by CAD with a 'PG' rating and was only aired in time slots that were appropriate for that rating. We note in particular that the complainant stated that they viewed the advertisement at approximately 11pm, and in our view this advertisement does not contain any material that would be inappropriate for viewing by the audience at that time.

Accordingly, we submit that the advertisement does not breach Provisions 2.2 or 2.4 of the Code, on the grounds that it does not employ sexual appeal in a degrading or exploitative manner, and that the advertisement treats sexuality with sensitivity to the relevant audience. We further submit that the advertisement does not breach any other provision 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 concerns that the advertisement is sexually suggestive and inappropriate 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 a well-dressed man and a woman getting into an elevator and selecting a level high up in the building. The doors close and the couple quickly engage in passionate relations. In one scene the doors open and the couple are caught by a family who are shocked at seeing the couple in this manner. Following scenes show the man searching for a room to book via an 'app' on his phone.

The Board noted the complainant's concerns that the couple appear predatory and willing to seek sexual gratification in any space. The Board noted that in the short length of the advertisement there is no indication that the couple know each other but it could be assumed that based on their immediate intimacy that it is likely they know each other outside of this lift.

The Board noted that the advertisement does include scenes that are of a mildly sexual nature but that these are depicted in the context of promoting an accommodation booking app and most members of the community would be familiar with the phrase “need a room?” and the suggestion that this would be for the purposes of intimate relations. The Board considered that the overall effect is intended to be humorous.

The Board noted that although there is a scene in the advertisement that shows a family, including a child, in shock at seeing the couple in the elevator, the couple remain fully clothed at all times and there is no inappropriate nudity or exposed naked bodies.

The Board noted that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a “PG” 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.

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