



Case Report

1	Case Number	0160/15
2	Advertiser	VISA International
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A young man (Ben) opens the door to his parents' bedroom – and discovers them in the midst of a 'life painting' session.

His mother is sitting on a stool, posing modestly for his father and draped in a pink shawl. Ben eventually walks back out the door, pretending he'd never walked in on this scene! Ben is seen leaving the house, happy with the way he has chosen to use his time back, thanks to Visa Checkout.

THE COMPLAINT

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

It comes in prime time when all the young viewers are watching. The son comes in the room to see his nude mother being painted by I guess the father. It has nothing to do with what they are advertising. The young viewers are feeling really awkward watching a nude elderly woman/mother talking to her son.

Do not find it at all appropriate, the ad is very offensive and do not know what they are advertising for. There is no need for nudity in ads. I find it disgusting.

Watching a grown man go in his parents' bedroom while his father is painting his mother naked is very disturbing. Would you as an adult be with your parents in their bedroom while one is semi naked being painted wearing hardly anything. Quiet disturbing and sick. Uncomfortable to watch and incestuous connotation is very present as the father and mother are accepting of son watching them. Could be foreplay. Very incestuous flavour..... SICK.

I was upset by this ad because there was nudity in it and it was shown during the time where young kids were still watching tv. I found it to be highly inappropriate especially when my very young daughter was watching tv and the ad came on and I had to quickly change the channel to stop her from seeing that.

THE ADVERTISER'S RESPONSE

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

In our response to the complaint, we will focus on two specific points:

1. Time of screening and PG rating

The complainant has said they are "upset" by the advertisement as it features nudity and was shown at the time of day during which young children would be watching television.

The advertisement referred to in the complaint screened at 7.49pm on Sunday 12 April during 'My Kitchen Rules'. This weekend timeslot and programme has a PG rating. Please see the 'Broadcast Confirmation' from the media agency, OMD Sydney, attached.

The creative agency worked closely with advice from Commercials Advice Pty Ltd ("CAD") in the production of the advertisement, in order to ensure a PG rating. Prior to the filming of the advertisement, we received the 'CAD Advice' attached, in which CAD advises:

"The woman should be well covered with the scarf and then if any nudity is as restrained as the images on the storyboard (no breast is shown nor top of buttock) and only fleeting then the ad may be ok for a PG."

We also received legal advice attached prior to filming, via our creative agency, on the proposed content of the advertisement, which provides (inter alia) "a discreet portrayal of nudity and sexuality in an appropriate context" that is shown in a "humorous or light-hearted manner" is consistent with the Code of Ethics Practice Note of the Australian Association of National Advertisers (the "AANA Code of Ethics").

In every way, the advertiser sought and procured the appropriate advice and adhered to it, with CAD duly awarding the final advertisement a PG rating (attached). It is noted that the complainant allowed her "very young daughter" to watch a PG rated programme.

2. Advertising Standard 2.4

The Advertising Standards Board (the "Board") has indicated that the complaint relates to Standard 2.4, which requires that advertisements "treat sex, sexuality and nudity with sensitivity to the relevant audience." The AANA Code of Ethics states that images that breach this Standard are those that are "highly sexually suggestive and inappropriate for the relevant audience".

In contrast, a discreet portrayal of nudity in an appropriate context is generally permitted and the Board has stated in several previous decisions that nudity in an advertisement in and of itself will not necessarily breach the Code (see, for example, Cases 0130/14 and 0336/13). As noted earlier, this is especially so where the nudity is shown in a humorous or light-hearted manner. For example, the Board has dismissed complaints in relation to advertisements which depict:

- a man who appears to be naked lying on a bed of bacon while being showered with pieces of bacon (Case 0121/014); and

- a woman answering the door naked after her dog pulls her towel off (Case 0132/14).

We do not think that the "Painting" advertisement breaches the Code for the following reasons.

- The main purpose of the advertisement is to demonstrate in a humorous way that by using Visa Checkout to make online purchases, consumers can save time;

- The advertisement features a son entering his parents' bedroom to find his mother posing partially nude while his father paints her portrait. The mother's breasts are covered by her arm and there is a large piece of fabric draped around her waist covering her private parts;

- Her pose is not sexualised in any way and she is not shown in an exploitative or degrading manner; and

- The general tone of the advertisement is light-hearted and humorous.

Visa worked closely in collaboration with CAD to comply with rating criteria, particularly in relation to the brief partial nudity. The advertisement was awarded a rating consistent with airing during a PG rated program.

Finally, we do not think that the advertisement raises any concerns in relation to any other Standards contained in Section 2 of the Code, as the advertisement does not:

- discriminate against or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief (Standard 2.1);

- employ sexual appeal or, to the degree to which it does, it does not do so in a manner which is exploitative or degrading (Standard 2.2);

- portray any violence (Standard 2.3);

- feature any inappropriate, strong or obscene language (Standard 2.5); or

- contain material contrary to prevailing community standard on health and safety (Standard 2.6).

Therefore we believe that the advertisement is in line with prevailing community standards.

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 complainants' concern that the advertisement features inappropriate nudity and is offensive and irrelevant to the product it is promoting.

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 the advertisement features a young man (Ben) opening the door to his parents' bedroom – and finds them in the midst of a 'life painting' session. His mother is sitting on a stool, while his father is painting her. Ben is shocked but continues to tell them about his Visa checkout experience as he backs out of the bedroom and heads outside for a walk.

The Board noted that the advertisement is intended to be light-hearted and shows a scenario that is somewhat far-fetched and humorous. The Board noted that the mother is posing naked and has her arm across her breasts. She has a pink blanket across her lap.

The Board noted that the product is for an online shopping function promoted as a good method of saving time and money. The Board noted that individuals likely to use this service

would be over the age of 18 and on seeing the advertisement would understand the intended humour.

The Board noted one of the complainants concerns that the advertisement had incestuous undertones. The Board considered that there is no suggestion that alludes to any inappropriate behaviour and nothing that suggests incest.

The Board noted that the advertisement had been given a PG rating by CAD and noted that the advertisement had been aired in the appropriate timeslots for the rating.

The Board considered that the advertisement did not show any nudity and that it did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board 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 complaints.