



Case Report

1	Case Number	0226/10
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Telecommunications
4	Type of Advertisement / media	TV
5	Date of Determination	09/06/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity - Sexualization of Children

DESCRIPTION OF THE ADVERTISEMENT

A man is sat watching sport on TV when his daughter stands in front of him, places her stereo on the floor, says "Dad, check this out" then turns on the stereo and launches into a dance routine. Dad pauses the TV and watches her performance, and when she is finished he claps then resumes watching the sport. The girl then starts playing the music again and the voiceover says "Life doesn't stop for TV. But with FoxTel IQ you can pause and rewind so you don't miss a thing."

THE COMPLAINT

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

*The dance alone without any comment is not the dance of any innocent child.
I have seen it on Chanel 9 I do hope for the sake of child protection you can act.*

THE ADVERTISER'S RESPONSE

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

The television commercial is for FOXTEL iQ, a personal digital recorder that enables FOXTEL subscribers to record programmes as well as pause, rewind and replay live television (the "Advertisement").

The aim of the Advertisement was to advertise the benefits of FOXTEL iQ specifically the "pause" functionality. The Advertisement depicts a father engrossed in an AFL match, when his daughter enters the living room with her ghetto-box to perform her latest dance routine; right in front of the television. The daughter is fully clothed throughout the Advertisement and her dance moves include simple steps such as a robot impersonation. To ensure he does not miss a moment of the dance routine, or the AFL, the father uses his FOXTEL remote control to pause the AFL. This concept was developed to highlight the creative message of the campaign that "life doesn't stop for TV".

The Advertisement was scheduled for broadcast across the commercial television networks (Networks Seven, Nine and Ten) from 4 April 2010 to 17 April 2010 and on Network Ten from 25 April 2010 to 15 May 2010. The Advertisement was approved for broadcast by Commercials Advice (CAD reference: GRZEUMPA) and rated "G". A copy of the Advertisement and its script are attached for your reference.

FOXTEL understands that the complainant's reason for concern is that the Advertisement breaches section 2.3 of the AANA Advertiser Code of Ethics (the "Code"), which provides: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

FOXTEL submits that the Advertisement clearly does not deal with "sex and nudity" in any respect, nor does it believe there to be an element of "sexuality" as the Advertisement depicts a young girl performing a harmless dance routine for her father with no element of sexuality in this portrayal.

However, if the Advertising Standard Board is of the view that the Advertisement does in fact deal with "sexuality", FOXTEL believes that it has complied with section 2.3 of the Code by treating sexuality "with sensitivity to the relevant audience". The relevant audience of this Advertisement is families and FOXTEL submits that it has dealt with any sexuality issues appropriately by portraying the girl in a non-sexual manner. On this basis FOXTEL submits that the Advertisement has not breached section 2.3, nor any other section, of the Code.

FOXTEL is very surprised the Advertisement could have caused offence to the complainant. FOXTEL takes its subscribers' concerns and its commitment to the community very seriously. It was never FOXTEL's intent to cause any offence.

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 sexualises children.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing

Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the advertisement was for a personal digital recorder that enables subscribers to record programmes as well as pause, rewind and replay live television.

The Board considered the depiction of a daughter interrupting her father, to perform her dance routine whilst he was engrossed in sport on television, would be understood by most members of the community as an everyday occurrence in many living rooms. The Board also noted the young girl depicted in the advertisement was fully clothed throughout the advertisement and that her moves included simple steps and a robot impersonation and considered she was depicted as a "kid being a kid" with no inappropriate sexualisation displayed.

The Board noted that there is a level of community concern about the sexualisation of children.

The Board considered that in this instance, the advertisement did not depict any material that is sexualised at all and did not bring the issue of sex to children. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.3 of the Code.

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