



Case Report

1	Case Number	0229/15
2	Advertiser	Whitford Property
3	Product	Real Estate
4	Type of Advertisement / media	Radio
5	Date of Determination	10/06/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Domestic Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

A man's voice describing noisy neighbours so what about moving or buying a property from Whitford Property Geelong?

THE COMPLAINT

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

The slow intonation of the advert and the content sounds very like it is describing a woman being subjected to domestic violence or very graphic sex (and it really sounds like domestic violence). Either is not at all suitable for an advert placed on the radio during day time.

THE ADVERTISER'S RESPONSE

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

The intention of the advertisement is to convey a message that when the time comes to relocate to a new home, Whitford Property should be considered. This message is delivered in a series of radio commercials employing humour and hyperbole by depicting situations where noisy neighbours prompt a move.

Our intention with this particular radio commercial was not to offend, but to communicate the message in an interesting and entertaining way.

Advertiser Code of Ethics, Section 2

The most relevant provisions of Section 2 of the Code are Sections 2.3 and 2.4.

The creative premise of the commercial is based on the observation that where the source of noise emanating from a neighbour's property cannot be seen, human nature invariably leads to speculation regarding the source of the noise. This commercial depicts that speculation and we do not believe the work is in contravention of the AANA Code of Ethics. The intention is to leave it up to the listener to make his or her own deduction regarding the scenario associated with the source of the noise.

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 features audio which suggests a woman is either being subjected to domestic violence or that she is engaging in graphic sexual activity and that both these activities are not appropriate content for a broad audience to hear on the radio.

The Board listened to 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 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted this radio advertisement features a man's voice explaining that he believes his neighbours above him have purchased a circus high-wire which they practice on regularly based on the noises they generate.

The Board noted that the audio features a rhythmic knocking noise and a woman's moans. The Board noted the complainant's concern that these noises are suggestive of domestic violence.

The Board noted the voiceover provides his explanation for the noises – the couple have purchased a high-wire – and considered that this interpretation could explain the noises. The Board noted that we hear a woman's voice make a slight moaning noise. The Board noted that there is a high level of community concern surrounding domestic violence but considered in this instance that the noise we hear in the advertisement is not suggestive of pain or distress and that overall it is unlikely that most members of the community would think the woman is being subjected to domestic violence.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

The Board then 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 complainant's concern that the advertisement is suggestive of sexual activity. The Board acknowledged that the rhythmic noises we hear, along with the woman's moans, could be interpreted as noises consistent with sexual activity but considered that in

light of the context provided by the voiceover – that the couple are practising their circus skills on a high-wire – the noises are easily explained and are not of themselves overly sexual or inappropriate.

The Board acknowledged that the advertisement is employing sexual innuendo but considered that this innuendo is relatively mild and not inappropriate for a broad audience which would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaint.