



Case Report

1	Case Number	0232/12
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	TV
5	Date of Determination	27/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The TV advertisement depicts a son and father -in- law working out at the gym. The workout is finished off with the two characters relaxing in the sauna. As the door is locked and the lights switched off (to signify the gym is closed), the men realise that they are trapped in the extreme heat. In an attempt to save themselves, one character gives the other a boost to climb through the only way to escape, an exit in the roof, and we see the man struggling to lift his apparently naked father in law.

THE COMPLAINT

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

When I first saw this ad I was shocked at what looked like two guys having sex in a sauna. When I looked at the ad on YouTube I saw a comment that mentioned that they were trying to escape from it but it really doesn't look like that. Please take this off-air.

THE ADVERTISER'S RESPONSE

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

Please find enclosed a response from Lion in regards to complaint 0232/12, for consideration at your forthcoming meeting of the Advertising Standards Board. Please note I have included with this response a copy of the advertisement.

The TV advertisement questioned is part of the Tooheys New 'Supporting Mateship' campaign, a series of advertisements that are based on an insight that people bond over sharing experiences.

The executions demonstrate how, after being thrown together, sharing experiences, and overcoming some awkward and somewhat undesirable situations, the most unlikely of relationships can be taken to the next level– that of mateship.

The advertisement questioned depicts a son and father -in- law working out at the gym. The workout is finished off with the two characters relaxing in the sauna. As the door is locked and the lights switched off (to signify the gym is closed), the men realise that they are trapped in the extreme heat. In an attempt to save themselves, one character gives the other a boost to climb through the only way to escape, an exit in the roof.

The complainant references the AANA Code of Ethics, Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. The TVC in no way depicts content that is contrary to community standards on sex, sexuality and nudity. The brand has a history of playful marketing campaigns to which the consumer connects with and appreciates as humour. The scene is not sexually suggestive, there is no full frontal nudity and it is clear to the audience that the characters are seeking a way out of the sauna, rather than engaging in a sexual act.

We do not believe any other section of the code has been breached in the above mentioned advertisement. If you require any further clarification or supporting materials, please do not hesitate to contact me.

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 appears to depict two men having sex in a sauna.

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 man and his father in law attempting to bond at the gym and getting locked in the sauna whereupon the man gives his father in law a leg up to try and escape through the ceiling.

The Board noted that the scene where the father in law is being held up by the man is intended to depict an uncomfortable yet humorous situation and considered that most members of the community would not interpret this specific scene as sexual. The Board

considered that the advertisement did not depict or suggest that two men are having sex in a sauna.

The Board noted that some members of the community are uncomfortable with nudity however the Board considered that the nudity is clearly presented in the context of using a sauna and that no private parts are shown. In the Board's view the advertisement treats the issue of nudity with sensitivity to the relevant M rated audience.

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 complaint.