



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0235/12</b>
<b>2</b>	<b>Advertiser</b>	<b>EMAP Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Media</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/06/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.2 - Objectification Exploitative and degrading - women

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement depicts two men going to a late night kebab shop. A woman wearing a low cut dress serves them a very large kebab. The Advertisement then cuts to the front cover of Zoo magazine followed by several others pages from the magazine featuring different women wearing bikinis.

### THE COMPLAINT

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

- 1. Advertising pornographic magazines on free to air TV is offensive full stop. You can't seem to go anywhere now days without pornography being displayed in some form or other.*
- 2. It was 8pm in the evening!!! Children and young people are watching TV at that time of night. Young influential minds should not have to have that rubbish shoved in their faces like that. There are enough issues with media pushing sex alcohol etc. at them all the time. What ever happened to innocence?? What kind of message does that send to them about relationships and marriage??*

*The time slot. My family was sitting down watching the Sunday afternoon footy and this was not suitable viewing for a G rated family show. The fact that the ad shown previously was an ad for a toy aimed at toddlers should be an indicator that Channel 9 were expecting young kids to be watching the footy. This ad is not suitable for children.*

## **THE ADVERTISER'S RESPONSE**

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

*I write on behalf of ACP Magazines Ltd (ACP), the publisher of Zoo magazine, regarding your correspondence of 4 June 2012 in relation to a complaint received by the Advertising Standards Bureau in relation to a television advertisement for Zoo magazine (the 'Advertisement').*

*You have asked ACP to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics (the 'Code') or other Codes incorporated in it, such as the AANA Code for Advertising to Children. ACP is happy to respond to your request.*

*At the outset, the Advertisement is a television commercial and, as such, the Nine Network Australia Pty Ltd (Nine) is the entity responsible for its broadcast and placement.*

*The Commercial Advice Division of Free TV (CAD) Australia assesses each commercial before it is televised and assigns a classification. The Advertisement has been classified lip and as such may be telecast on weekends between 10am and 6am on the following day.*

*The Advertisement was aired at approximately 4.30pm on Saturday 2 June 2012. For this reason, the Advertisement was aired in compliance with CAD's classification.*

*Compliance with section 2.2*

*Section 2.2 provides that advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people. We believe that the Advertisement is not exploitative or degrading of women. The woman in the Advertisement is simply serving two men food, there is no sense of her being humiliated or degraded. In fact, she appears to be in a position of power given that she looks down onto the two men. It is clear that the Advertisement is intended to be humorous given the oversized kebab which the men are handed. Although the Advertisement uses sexual appeal, this is clearly relevant to the nature of the magazine which is a men's magazine. Compliance with section 2.4*

*Section 2.4 of the Code provides that the Advertisement shall treat sex, sexuality and nudity with sensitivity to the relevant audience. To the extent that the Advertisement has a sexual nature this is of very low impact.*

*There is certainly no depiction of sex or nudity. In the Practice Note to the Code it states that "advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product." Further it states that "images of women in bikinis are permitted" provided these are not overly sexual. The Advertisement's use of women in bikinis or underwear is clearly relevant to a men's magazine. The images are no different to those that could be seen in everyday contexts such as at the beach.*

*On the basis of the above ACP maintains that the Advertisement is not in breach of section 2.2 or section 2.4 of the Code.*

*ACP would be happy to provide further comment if required.*

## **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’ concerns that the advertisement was screened at times when children would be watching and features images of women in sexually suggestive poses wearing little clothing.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the complainant’s concerns that women are portrayed in the advertisement in a manner which is disrespectful. The Board noted that the product advertised is a men’s magazine and that it is not inappropriate to include images of scantily clad women in such advertising. The Board noted that the woman in the kebab van and the women appearing in the magazine articles all appear to be confident and empowered and considered that most members of the community would consider the portrayal of women in this manner to not be disrespectful considering the advertised product. The Board considered that whilst sexual appeal is used in the advertisement it is used in a manner which would not be considered exploitative and degrading by most members of the community.

The Board determined that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to women and that the advertisement did not breach Section 2.2 of the Code.

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 advertiser’s response that they have taken steps to ensure that all parts of the advertisement including content and the magazine pages that appear are suitable for the rating; in this instance PG for the advertisement featuring a kebab, and MA for the advertisement featuring tennis.

The Board noted that in this instance the advertisement referred to is the ‘kebab’ version and that it has only appeared in the relevant time zone for its classification. The Board noted that the advertised product is a magazine with a male readership and is also classified as a category that is able to be advertised in general media.

The Board considered that the image of the woman’s breasts in the van in the opening part of the PG rated advertisement was not offensive. The Board considered that there was no sexual connotation in this part of the advertisement, with the men exhibiting lust towards the kebab – not the woman.

The Board noted that the other images in the advertisement depicted women in underwear and considered that most people would find the images mildly sexual but relevant to the product and not inappropriate for the relevant PG audience and time zone.

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.