



ADVERTISING  
STANDARDS  
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612  
Ph (02) 6173 1500 | Fax (02) 6262 9833  
[www.adstandards.com.au](http://www.adstandards.com.au)  
ACN 084 452 666

## Case Report

1	Case Number	0242/14
2	Advertiser	Dainty Group
3	Product	Entertainment
4	Type of Advertisement / media	Free TV
5	Date of Determination	09/07/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a montage of Miley Cyrus in film clips for some of her songs. She is seen in very little clothing and swinging on a wrecking ball.

### THE COMPLAINT

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

*The ad was shown during master chef on Ch. 10. between 7:30 - 8:pm. I was viewing the show with my 8 yr old daughter. The ad did NOT seem appropriate for young children in my opinion. The ad featured (in my opinion) simulated porn or soft porn, and was of an overly sexual nature. Being of quite an open mind I still thought that exposing children to overt sexual simulation just to sell a song (product) was inappropriate.*

*Sexually provocative behaviour naked gyrating from a well known child star during the family show masterchef*

*The images were overtly sexual in nature, her target market is young girls and i think its abhorrent that she promotes such a gratuitously sexual image. I'm concerned that the ad is not properly classified as it was played just before 730pm on channel 9. My children (5 and 3) were both watching tv at the time. I am disgusted that they have been exposed to such explicit images objectifying a young women. Its send such a poor message to my children, who were*

*watching The Voice Kids at the time.*

*This advertisement was not appropriate at the time slot shown. I was watching the Voice for Kids with my 6 and 9 year old. Then this ad with a miley Cyres in provocative clothing was shown at 7:23pm. I am disgusted that this was shown at a time when so many children would be watching TV.*

*It was very sexually explicit but mainly it was in the prime family veiwing time when young kids are watching the masterchef show ... this is really wrong .. given that 7 /8 & 9 yr olds would be watching this show at 7.30 on a Sunday night!*

*The advertisement should not have been shown during the time it was shown - family viewing time, during a family show - many of the images showing Miley half naked and very provocative and quite disgusting to be honest.*

*It seems like the concert is targeting children as it's obvious children will be watching 'The Voice Kids' and this is very irresponsible. That concert should not be targeted to children.*

*My children (twin 9 year old's & 6 year old) watching The Voice Kids and advertisement for Miley Cyrus new Australian tour - extremely suggestive and inappropriate actions not appropriate for child's program. I was disgusted that Channel 9 put this on when they know young children will be watching. If it happens again will have to record program and fast forward all the commercials.*

## **THE ADVERTISER'S RESPONSE**

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

*I am writing in response to the recent complaints made to the Advertising Standards Bureau in relation to the Miley Cyrus Bangerz Australian tour television commercial (the TVC). Dainty Consolidated Entertainment Pty Ltd (Dainty) is the promoter of the tour and responsible for the production and broadcast placement of the TVC.*

*1. Dainty does not accept that the TVC breaches the Advertisers Code of Ethics (the Code) or the AANA's Code of Advertising and Marketing Communications to Children (the Children's Code).*

*2. Dainty considers that the TVC:*

*a. does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief (Section 2.1 of the Code);*

*b. does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (Section 2.2 of the Code);*

*c. does not present or portray violence in any way (Section 2.3 of the Code);*

*d. treats sex, sexuality and nudity with sensitivity to the relevant audience (Section 2.4 of the Code);*

*e. only uses language which is appropriate in the circumstances (Section 2.5 of the Code);*

*f. does not depict material contrary to Prevailing Community Standards on health and safety (Section 2.6 of the Code); and*

*g. does not contravene any sub-sections of Section 2 of the Children's Code*

*3. We note that the TVC was provided with a CAD rating of "PG" and has been displayed to the public in accordance with this rating at a general evening timeslot.*

*4. Dainty has used the global tour creative as supplied by Miley Cyrus' management, which includes a number of visual grabs from some of her more recent music video clips. These clips are highly stylised and do not depict any nudity.*

*5. We note that these music video clips are regularly shown on commercial free-to-air television and subscription music television and are also readily accessible via Youtube and Vevo websites and via social media platforms such as Twitter and Facebook.*

*6. The TVC is not directed to children 14 or younger and is not advertising a product which is targeted principally towards children. The timeslot during which the TVC has been placed is targeted at a broad demographic in accordance with the "PG" CAD rating. There has been no tour advertising in dedicated children's programming.*

*7. The TVC campaign was on air between 22 June and 24 June 2014 and is not now currently placed on free-to-air television.*

*While we regret that the TVC was not to the complainants' tastes, for the reasons set out above, we do not feel it has been broadcast in breach of the Code or the Children's Code. While we regret that the TVC was not to the complainants' tastes, for the reasons set out above, we do not feel it has been broadcast in breach of the Code or the Children's Code.*

## **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 features sexually suggestive material which is inappropriate for children to view.

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 montage of Miley Cyrus video clips.

The Board noted it had previously dismissed an advertisement featuring Miley Cyrus being promoted by Universal in case 0314/10 where:

“The Board noted the costumes, backdrop and dance moves within the advertisement and considered that the costumes and dance moves were not overtly or inappropriately sexualized, and that the advertisement was heavily stylized. The Board considered that while the full video clip may contain more revealing images these are not included in the advertisement.” In this instance the Board noted that the advertisement consists of different clips taken from Miley Cyrus music videos and that in these clips Miley is wearing limited clothing and is posing for the camera. The Board noted particular scenes where the singer is seen wearing sunglasses and extending her tongue out between two fingers and also scenes of her lying on rubble and a bed moving in a sexualised way. Consistent with previous determinations (0005/14, 0012/14) the Board considered the manner in which Miley behaves in the advertisement is consistent with the public persona of this high profile singer who is well-known for her raunchy outfits and behaviour.

The Board noted that younger members of the community would be familiar with Miley from her time as a Disney performer and that these younger viewers would be attracted to the advertisement because of their awareness of Miley. The Board noted that the advertisement had been rated ‘PG’ by CAD. The Board considered that although some of the images in the advertisement are sexualised they are fleeting and in the Board’s view the level of sexuality and nudity is not inconsistent with the relevant PG 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.