



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0245/18
2	Advertiser	Stan
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/05/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement is promoting two programs Vida and Sweet Bitter. A voice over describes the two shows while brief scenes from the shows are shown. These scenes include two women kissing, a man and woman embracing in bed, a man kissing a woman while lifting her up against a wall.

THE COMPLAINT

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

The ad came on suddenly with people aggressively kissing each other, both heterosexual and same sex couples, and this was played during the ads for the MKR finals on channel 7. My 4 children were watching and were shocked by the aggressiveness of the kisses and sexual innuendo on the commercial. Totally inappropriate to be aired during family tv viewing.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

1. Facts relating to the Advertisement

- *The Advertisement ran for 30 seconds on 6 May 2018 at 8.15pm on Channel Seven.*
- *The Advertisement featured footage from season 1 of the program Vida and season 1 of the program Sweet Bitter.*
- *The Advertisement is designed to inform viewers of, and to showcase, Vida and Sweet Bitter.*
- *A copy of the relevant script is attached at Annexure 1.*
- *The Advertisement's CAD number is JSOFLEPA and the CAD rating for the Advertisement is "J".*

AANA Advertiser Code of Ethics (Code)

We have reviewed the relevant sections of the Code and also the information and guidance provided on adstandards.com.au in relation to responding to complaints.

In our view, the Advertisement complies in all relevant respects with the AANA Code of Ethics ("Code"), and is in step with Prevailing Community Standards.

We address each element of section 2 of the Code below:

- *Discrimination or vilification (s2.1)*

The Advertisement 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.

Discrimination and vilification were not issues raised in the Complaint.

- *Sexual appeal (s2.2)*

The Advertisement does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

Exploitative and degrading use of sexual appeal was not an issue raised in the Complaint.

- *Violence (s2.3)*

The Advertisement does not present or portray violence in a manner which is not justifiable in the context of the programs and service advertised.



Violence was not an issue raised in the Complaint.

- *Sex, sexuality and nudity (s2.4)*

The Advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.

The Advertisement contains three scenes portraying couples kissing.

Each of these three kissing scenes:

- (a) is of a one second or less duration; and*
- (b) contains no nudity.*

This portrayal of kissing is a relevant and accurate representation of the two programs being advertised, and is peripheral to the overriding tone of the Advertisement, which is not one of overt, obscene or gratuitous sexualisation or nudity.

The Advertisement was rated "J" by CAD and the Advertisement was run in an appropriate timeslot.

Based on the foregoing and taking into account the AANA Code of Ethics- Practice Note, we are strongly of the view that the Advertisement's fleeting and non-gratuitous portrayal of kissing treats issues of sex, sexuality and nudity with a sensitivity to the relevant audience, is justifiable in the context of the programs being advertised, is consistent with prevailing community standards and it's 8:15pm timeslot appropriate for the likely audience.

- *Obscene language (s2.5)*

The Advertisement does not include strong or obscene language or language which is not appropriate in the circumstances.

Obscene language was not an issue raised in the Complaint.

Health and Safety (s2.6)

The Advertisement does not contain any material which is contrary to Prevailing Community Standards on health and safety (including as detailed in AANA Code of Ethics Practice Note), nor does the Advertisement depict any dangerous behaviour which is likely to be imitated by children.

Health and safety issues were not raised in the Complaint.



3. Stan comments in relation to the Complaint

For the reasons set out above, we strongly believe the Advertisement complies in all relevant respects with the Code.

The Advertisement adhered to the relevant classification restrictions and was placed in an appropriate timeslot.

Further, the placement was reviewed approved by OMD to ensure the Advertisement is sensitive to the likely audience.

Please let us know if you require any further information.

THE DETERMINATION

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement was too sexualised for an audience that would include children.

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

The Panel 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 Panel noted that the advertisement features a series of brief scenes for two upcoming shows on Stan, ‘Vida’ and ‘Sweet Bitter’. Amongst other scenes the advertisement features two women kissing, a man and a woman embracing in bed and a man kissing a woman while lifting her against a wall.

The Panel noted that the advertisement received a J rating by CAD (parental guidance recommended and not in children’s programs) and was aired at a time appropriate to the rating (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf). The Panel considered that the relevant audience for this advertisement would likely be broad and include children.

The Panel noted the complainant’s concern that the advertisement featured people aggressively kissing each other and that this was inappropriate to be aired during family TV viewing.

The Panel noted the advertisement did depict a number of couples kissing and



embracing, however considered that these scenes were brief and the overall effect was only mild sexual suggestion.

The Panel noted that the advertisement did not contain nudity or overt sexual references.

The Panel considered that in the context of an advertisement for a television series it is reasonable for an advertiser to show scenes from the shows, including kissing.

The Panel 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 Panel dismissed the complaint.

