



Case Report

1	Case Number	0246/16
2	Advertiser	LHD Lawyers
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a person walking in front of a motor vehicle, as it starts to rain. The next scenes show a vehicle after a collision and the female driver waiting next to her car, in the rain. The final scene shows a lawyer reaching out to the woman.

THE COMPLAINT

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

The "lawyer" helps a drenched woman to her feet. She's wearing a white blouse with no bra. Her nipple is clearly seen through her wet blouse. This is completely unnecessary and offensive advertising.

THE ADVERTISER'S RESPONSE

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

We refer to the recent complaint listed above and respond according to Section 2 of the AANA Advertiser code of ethics as requested by the Advertising Standards Bureau. The commercials content is for consultation on personal injury law. Section 2 Consumer Complaints

Section 2.1

At no time does the commercial in question discriminate or vilify against race, nationality, gender, age, sexual preference, religion, disability, mental health or political belief.

Section 2.2

At no time does the commercial in question employ sexual appeal in a manner that is exploitive and degrading of any individual or group of people.

Section 2.3

The commercial in question does not have any violent content and only shows a damaged vehicle which reflects the advertiser's industry of personal injury law.

Section 2.4

The commercial in question has no sexual content.

Section 2.5

The commercial in question does not include any inappropriate language.

Section 2.6

The commercial in question does not breach health and safety regulations and depicts viewer's rights to compensation after a motor vehicle collision.

The commercial was rated 'G' by the governing body CAD depicting the fact that the commercial in question is suitable for general viewing. If CAD were concerned about the content it would have been rated 'PG'. At no time is this commercial booked to air during children's programming, that is: cartoons.

I notice the person that has lodged the complaint requested to remain anonymous. I suggest to the Bureau that this person may be a disgruntled competitor.

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 depicts a woman wearing a white shirt drenched in water so it is see-through and her nipples are visible which is unnecessary and offensive.

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 this television advertisement shows a woman whose car has been involved in an accident sitting against her car in the pouring rain before a man comes along with an umbrella and leads her away.

The Board noted the complainant’s concerns that the woman’s white shirt becomes see through in the rain and her nipples are visible.

The Board noted that at the start of the advertisement a male voice over says, “A good lawyer can be like a good umbrella: you hope you’ll never need it...” and considered that the rain depicted was part of the overarching storyline. The Board noted that the woman in the advertisement is wearing a pale shirt and that when she stands to take shelter under the man’s umbrella we can see her bra strap through the back of the shirt. The Board noted the complainant’s concern that the woman’s nipples are visible. The Board noted that when the woman is sat leaning against her car in the rain we can see that her clothing is getting wet but considered that her breasts and nipples are not visible. The Board noted that the focus of the advertisement is the woman’s predicament and considered that there is no focus on her clothing or her breasts.

The Board considered that the advertisement did not contain any sex, sexuality and nudity.

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 complaint.