



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0250/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Broadway Homes</b>
<b>3</b>	<b>Product</b>	<b>Real Estate</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/07/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This advertisement is one of a series of 2 TV ads based around the position "life's better with a second storey". It shows a lady wandering through her home with a voice over delivering "Mia's story". The voice over talks about the fact that Mia outwardly appears conservative and sweet, however, she has her own confidential story that is revealed when she eventually opens her wardrobe to display her leather and handcuffs. She then motions to her husband with the handcuffs to come with her, which he does. The ad is subtle and beautifully filmed demonstrating the home she lives in and the happiness that she and her husband gain from their "second storey" - play on words. The final scenes show the front elevation of a beautiful 2 storey Broadway Home and then a graphic with contact details etc.

### THE COMPLAINT

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

*I find it offensive that it depicts a married couple as participating in bondage as if it is the social norm.*

*I don't see how this endorses the company to be capable of building a safe and functional structure.*

*Also - I have a teenage girl, how do I explain the contents of the cupboard to her - why should I be forced to?*

*At the end of the ad up on the 2nd floor the woman opens up the wardrobe and inside shows clothing associated with bondage. She leaves the wardrobe area and has a pair of handcuffs dangling from her hands.*

*I was very offended at the thought of bondage being advertised in order to promote a house. I telephoned Broadway Homes and spoke to a gentleman called xxxx and explained how I felt. Rather than apologise to me that it caused me offence, he spent the whole time telling me that 'intelligent' people would realise that it was a tongue-in-cheek, non-gratuitous ad and was not 'real', plus the fact that it was not aired during children's programming. The children are currently on school holidays and I know they are not in bed by 8-8.30pm.*

*This ad promotes bondage and I would have a very difficult time explaining it to a child who saw the ad. It is real because I previously had a property and at a rental inspection, the bedroom was (very much to my surprise) full of handcuffs and other bondage paraphernalia. Don just kept repeating his Company's acceptance of the ad and in the end I told him that we would have to agree to disagree.*

*Why did the Broadway Homes ad have to be sexualised to promote their product?*

*The portrayal of the woman's "secret" is she enjoys bondage with her partner. I feel that this portrayal of unhealthy sexual behaviour is offensive. It shows her going to her cupboard and getting out a bondage outfit. It was aired during a family show "The Block" while my husband and I were watching TV with our daughter. This ad attempts to normalise sadomasochistic behaviour - implying that a two storey home will take one's sexual activity "to another level". It also implies that this kind of sexual activity is normal and positive. I disagree and find the suggestion most offensive.*

*The featuring of S&M sex "props" and handcuffs etc.*

*Our 12 and 13 year olds girls are asking us what it means. I can't believe this ad has been approved during primetime while children are still awake.*

*Images and innuendo of bondage gear and handcuffs during family viewing time.*

*This is an insidious and demeaning portrayal of women and sexuality. It portrays bondage as normal and acceptable, even fun. It is shown during family viewing time when young children are exposed to this idea. It normalises this act for young women who may be more likely to feel pressured into acting in this way in the future.*

*It included a female apparently inviting a male to participate in a sexual encounter that involved the use of handcuffs and a whip.*

*What next? A female with beautiful teeth giving fallacious to a male in order to sell a particular brand of toothpaste?*

*Surely we can advertise our products without resorting to the use of pornographic imagery and at a time when children are watching TV.*

## **THE ADVERTISER'S RESPONSE**

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

*In response to complaints as per the email from the ASB, the following response is offered.*

*1. It is disappointing to Broadway Homes that a small group of people are finding this ad offensive. It was filmed and acted in such a way to be subtle and respectful in its treatment of the fact that some people have a "second story" to their life that is unknown to others. There is no use of nudity or vision of a sexual nature within the ads.*

*2. This ad is aimed at an adult audience (capable of buying a 2 storey home). It has a media schedule specifically aimed at this audience in prime time with shows that include current affairs and other programs aimed at a 30+ audience.*

*3. The ad depicts a happily married couple with their own secret story. It does not racially vilify anyone, nor does it exploit or degrade any individual or group of people. It does not contain any violent activity and treats the extremely subtle sexual nature of the couple's second story with dignity and sensitivity.*

*4. It is important to reinforce that the couple are portrayed as extremely happy with their story and choices and there is absolutely no inference that this should be the standard for anyone else. It is in no way demeaning to women in any shape or form - it does in fact demonstrate the main female character in a position of confidence and control over the situation.*

*In summary, we believe the ad speaks for itself in the subtle way it has been filmed and the sensitive nature that displays all of our rights to have our own personal secret story. There is absolute no vision of a sexual nature or any nudity or violence, nor does it seek to degrade or vilify anyone. With respect to our audience, it is merely designed to use a clever play on words that "life's better with a second story", relating to the fact that Broadway Homes are builders of quality "2 storey" homes.*

*The vast majority of responses to the ad has been positive. Most people see the ad as "tongue in cheek" and have not found it offensive on any level, with many complimenting the ad for its quality and clever message.*

*As the key representative for marketing for the Delstrat Group, I am happy to individually chat to any complainant regarding their issues with the ad in question.*

## **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 features sexual innuendo which is offensive and degrading to women and unsuitable for viewing by children.

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 woman arranging flowers in the kitchen of her home. The voiceover describes the woman "Mia" and her personal life as well as the home. The woman heads upstairs and enters the bedroom. She opens the cupboards to show a black

bodice and handcuffs and chains hanging there. She shows the handcuffs to a man on the balcony as the voiceover says “life’s better with a second story...” The voiceover then refers to Broadway Homes as the two story specialists.

The Board noted that the tone of the advertisement is intended to appeal to an older target demographic that would be buying or building a home.

The Board noted that as the woman enters the bedroom and shows the gear that is hanging in the cupboard the understanding is that although her friends and family see her as sweet and lovely, there is another side to her that is reserved for her husband and is linked to sexual behaviour.

The Board agreed that the nature of the items hanging in the cupboard would be understood by most members of the community to be bondage gear used by adults for sexual pleasure. The Board considered that there is very clear sexual innuendo but the advertisement does not show any actual behaviour of this nature and is not inappropriate or offensive in this context.

The Board noted that the “W” rating given by CAD and noted that the advertisement had been aired in the appropriate time slot for the rating.

The Board noted that it is not their role to comment on the sexual preferences of people in the community and as there is no inappropriate nudity or sexual activity, the level of sexual innuendo is sufficiently mild to not be inappropriate for the target viewing audience.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.