



Case Report

1	Case Number	0257/10
2	Advertiser	Ashley Madison - Avid Life
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	22/06/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity - Treat with sensitivity to relevant audience
- Other - Social values

DESCRIPTION OF THE ADVERTISEMENT

A man and a woman are shown walking towards a double bed whilst stripping down to their underwear. They are shown kissing and embracing on the bed and then the shot changes to them stood in front of a window. They are still in their underwear and the camera lingers over the woman's bra and stomach, before panning out to show the man stood behind her kissing her neck and mouth.

The words "This couple is married....but not to each other" appear in bold yellow type on a black screen, before fading out to show the woman smiling seductively at the camera. A voice over asks "Isn't it time for AshleyMadison?" and then the following is shown on the screen: "AshleyMadison.com.au. Life is short. Have an affair."

THE COMPLAINT

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

The nature of the ad and the specific emphasis on using their services should you be seeking an affair was offensive and a complete disgrace as it explicitly promotes the degradation of community values.

I would suggest that the mainstream promotion of any service encouraging individuals to have an affair is explicitly discriminating against a significant section of the community - those married couples children & the families whose lives are likely to be destroyed by those who investigate and act on this service as a result of this ad.

Completely inappropriate to suggest people go have an affair. Advertising for this in any way is immoral and I think a poor reflection on our society.

I find this organisation and advert is highly immoral. I am disgusted that firstly such a website exists and secondly that Channel 9 has promoted it during a prime time slot where millions of people would be watching. How could Channel 9 and other TV stations that promote this ad possibly consider making money from such an organisation that encourages such immoral and damaging behaviour. It is truly deplorable.

Affairs do happen but in everyday life it is quite difficult for individuals to embark on an affair. By promoting this website on PRIME TIME television you have taken into thousands of homes the offer of affairs. This website does not need this type of promotion and I am totally offended by it.

This advertisement is a new and utter low for Australian advertising standards. I hope that it will never be shown again and that as a watchdog you will ensure no other similar ad to show.

I don't understand why I should be subjected to an advertisement promoting infidelity. I think it is unnecessary and I find it offensive considering the high rate of divorce in Australia. What people do behind closed doors is up to them but to advertise for people to join a website so they can meet others to have an affair is disgusting. It leads to a MAJOR break down in our society and should not be promoted on public TV.

I really enjoy the programmes on channel 9 and feel it reflects very badly on them for accepting this ad just for the money. Sometimes it is ok to say no.

My wife and I have been married for 35 years and I'm sick and tired of seeing/hearing ads which want to compromise the sanctity of marriage and tell me that cheating on my spouse is acceptable. The number 1 problem we have in the country in community is the number of children being raised by single and mixed family relationships as a result of infidelity. Why do we need to foster it?

I think that the ad and subject is in poor taste. Surely society has not lowered itself to the point where people are encouraged to cheat and provided with a facility to assist in this action.

Not everybody is without moral standards in today's society and it would seem the promotion of behaviour that leads to the break-up of families and possibly the spreading of STD should not be promoted via advertising. Promoting singles dating is one thing but to encourage people to indulge in

It's evil and promotes bad practices.

This is an outrage to the sanctity of marriage! It is an outrage to the idea of fidelity and loyalty between married people. It is immoral and indecent and a lousy role model for our young people - all people for that matter.

I was offended by this advertisement as it encourages people in marriages to have extra marital affairs. It portrays affairs in a positive way which may encourage people to have affairs without considering other options and consequences such as family breakdowns and the transmission of sexually transmitted infections.

The advertiser &/or operator of this web site should be truly ashamed.

I am offended that this morally wrong subject is shown when impressionable teenage children are still watching TV. It is offensive to me as an adult woman and I find it an abhorrent message that shouldn't be encouraged. It shows a lack of respect for another human being and encourages lies and dishonesty.

This is highly inappropriate for television at any time of the day. Encouraging people to have an affair is wrong and has no place on public television.

I totally object to the advertisement. Australia supports marriage between a man and a woman. It is a legal and binding union between two people. I do not believe that a company

should be allowed to openly advertise against this union in encouraging people to have an affair. Especially with all the ramifications such an affair can cause to those involved. I believe it is a new low in television advertising.

This advertisement goes against the morals of society and is unethical. It particularly angered me and my wife due to the fact that teenagers or young people will get the wrong idea and think that this is normal behaviour. I and many I have spoken to today are utterly disgusted that this type of advertisement was shown and hope that it is never shown again.

Ashley Madison is the name of the advertiser and they were promoting an adult dating service whose prime target market were married people looking for a sexual relationship with other married people. What kind of a society are we living in today?? What kind of a service is this?? What message does it send to our community?? The principals of this proposition goes against the teachings of most religions is morally wrong and has no place in society. This has offended many of my friends , work colleagues and immediate family....

THE ADVERTISER'S RESPONSE

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

The Advertiser has declined to provide a response to these complaints.

CAD have advised the ASB that the rating for this advertisement has been changed and it can now only be screened between 11pm and 5am.

THE DETERMINATION

The Advertising Standards Board (the Board) considered whether this advertisement met the requirements of the AANA Code of Ethics (the Code).

The Board noted the considerable number of complaints about this advertisement. The Board noted that concerns were raised about: encouraging affairs discriminated against married couples and families whose lives might be adversely affected by affairs; the advertisement promotes and glamorises infidelity which is immoral and inappropriate; inappropriate for children to see this advertisement; inappropriate to use language such as 'life's short. Have an affair' in an advertisement; promoting promiscuity without informing about safe sex; it is over the top sexually and you can see people kissing intimately.

The Board considered that the majority of complaints were about the service and the fact that the service can be advertised. The Board noted that there is no restriction on such a service being available or on it being promoted, rather only on how it is promoted. The Board considered that the promotion of affairs or infidelity is not of itself a matter that can be addressed by the Code and relates to the availability of the product or service.

The Board first considered whether the advertisement breached section 2.1 of the Code by discriminating against or vilifying a section of the community. The Board considered that the advertisement does not demean married people simply by suggesting that it is appropriate to have an extramarital relationship and that the advertisement does not breach section 2.1 of the Code.

The Board then considered whether the advertisement met the requirements of section 2.3 of the Code namely whether the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience. The Board noted that although originally classified 'M', the advertisement has been reclassified by CAD as 'S' and is only able to be broadcast between 11pm and 5am. The Board noted that the advertisement depicts a man and woman kissing and embracing and that the kiss is fairly intimate. The Board considered however that the depictions were relevant to the product advertised and, although sexualised, were not explicitly sexual. The Board considered that this level of sexualised behaviour was appropriate for viewing in a late night timezone. The Board considered that the theme of the advertisement – an affair – very explicitly was not appropriate for viewing by children and noted again the late night classification of this advertisement. The Board considered that the sexual theme of this advertisement was not inappropriate for the timezone. The Board considered that this advertisement did not breach section 2.3 of the Code.

The Board also considered the use of the phrase 'life is short; have an affair' and whether this language meets the requirements of section 2.5 of the Code. The Board considered that this language is not strong or obscene and that, although likely to suggest behaviour that would be considered inappropriate by a large proportion of the community, was not inappropriate to the product and service being advertised. The Board considered that the advertisement did not breach section 2.5 of the Code.

Finally the Board considered section 2.6 of the Code and whether the advertisement depicted material that is contrary to prevailing community standards on health and safety. The Board considered that the suggestion that extramarital affairs lead to family breakdowns and unsafe environments for families may have an element of truth but that reference to infidelity on its own does not breach section 2.6. The Board also considered that the suggestion of infidelity without a similar promotion of safe sex was not a depiction of material contrary to prevailing community standards on health and safety. The Board noted that although the advertisement did not mention safe sex practices there is no suggestion that safe sex practices are not used. On this basis the Board considered that the advertisement did not breach section 2.6 of the Code.

Finding that the advertisement did not breach any provisions of the Code the Board dismissed the complaints.

