



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

|   |                               |                           |
|---|-------------------------------|---------------------------|
| 1 | Case Number                   | 0259/14                   |
| 2 | Advertiser                    | Warner Music Aust Pty Ltd |
| 3 | Product                       | Entertainment             |
| 4 | Type of Advertisement / media | Free TV                   |
| 5 | Date of Determination         | 23/07/2014                |
| 6 | DETERMINATION                 | Dismissed                 |

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for the compilation album 100% Hits 2014 Vol. 2 ("the Album") and is 15 seconds long. At the beginning of the ad it shows the Album cover with images of the artists, Ed Sheeran, Nico & Vinz, Jason Derulo, David Guetta, Coldplay and Sia (with the Ed Sheeran recording "Sing" playing over the top and a voice over). It then shows video clips by the recording artists Ed Sheeran, Nico & Vinz and Sia and during one of these clips we see a woman in a flesh coloured leotard perform a cartwheel. During that part the Niko & Vinz track "Am I Wrong" and the Sia track "Chandelier" play in the background. Then the same image of the Album that begins the ad returns, after which the words "Get It Now" appear across the screen, and ends again with the Album cover image.

### THE COMPLAINT

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

*I have young kids who had to watch this and pointed it out to me. There would be lots of kids watching this ad during adventure time and it's totally inappropriate that sexually explicit images are being shown in this time slot. My children reported that the ad was also aired this morning during other kids shows.*

### THE ADVERTISER'S RESPONSE

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

*About 8 seconds of the advertisement are at issue where there is a girl dancing which is part of the video for the recording artists Sia's video "Chandelier". The advertisement does not show the girl dancing with no clothes on, rather she is clearly wearing a beige leotard. As she is wearing a leotard, the advertisement consequently*

*1. does not portray the girl or depict material in a way which discriminates or vilifies the girl or anyone else.*

*2. does not employ sexual appeal in a manner which is exploitative or degrading to the girl or group of people;*

*3. does not present or portray violence*

*4. does not show any explicit nudity*

*5. does not use obscene language and*

*6. does not depict material contrary to Prevailing Community Standards.*

*In any event, we withdrew that advertisement on 7 July 2014 and replaced it with a new advertisement using a different part of the video without the girl dancing in the advertisement.*

## **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 contains imagery of a young woman doing a cartwheel naked and that this is inappropriate for viewing by young children.

The Board reviewed 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 the advertisement features several video clips by the recording artists who appear on the compilation CD. During one of these clips, a woman in a flesh coloured leotard perform a cartwheel. During that part the Niko & Vinz track "Am I Wrong" and the Sia track "Chandelier" play in the background.

The Board noted the complainant's concerns that the woman appears naked.

The Board noted the advertiser's confirmation that the woman is wearing a beige leotard.

The Board viewed the advertisement and considered that although the scene of the woman performing a cartwheel is very brief and the image is fleeting, it is clear that she is wearing a bodysuit or leotard and is fully covered.

The Board noted that the advertisement had been given a G rating by CAD.

The Board considered that there is no nudity and that the overall theme of the advertisement and the depiction of the woman does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children.

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.

