



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0260/14
2	Advertiser	COUGARLIFE.COM
3	Product	Professional Service
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 commercial takes place at a coffee shop where a younger man mistakes a woman for being in his university class only to discover she was his teacher. The scene cuts to the next morning where the man is in the woman's kitchen drinking chocolate milk. She then offers him "dessert" where he responds how much he loves dessert. This is intended to be a comedic and over the top, slapstick type humour.

THE COMPLAINT

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

This ad is disgusting. Sexist. Insulting. If this encourages women to join this site well I'd be very surprised. I'm 33 and single and I sure as hell don't want to join it.

THE ADVERTISER'S RESPONSE

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

Avid Life Media Inc. ("Avid" or "Cougar Life") is in receipt of a letter from the Advertising Standards Bureau ("ASB") regarding an unnamed complaint received by the ASB on June 22, 2014, concerning Cougar Life's "Ms. Anderson" commercial (the "CL Advertisement"). Please note that Avid is familiar with the AANA Code of Ethics, having conducted several

different advertising campaigns in Australia, and understands the parameters that advertisers need to operate within. However, Avid respectfully disagrees with the complaint, and asks that the ASB dismiss it at the forthcoming meeting of the Board.

Section 2.4 of the Code of Ethics states: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. We respectfully believe that this commercial accomplishes this. There is absolutely no nudity, nor any physical contact between the two people. Moreover, the complainant saw the ad at 2:34 am. In fact, this commercial is in line with other Australian spots that contain an “M” rating . The referenced CL Advertisement does not discriminate on any basis, does not vilify any women, nor does it exploit, condone or elicit unlawful behavior. Moreover the CL Advertisement does not generalize, degrade, exploit or disparage either gender, and it does not offend the standards of public decency prevailing among a significant segment of the population. It is not sexist at all, rather is consistent with a trend in society that illustrates mature women being able to date anyone they want.

The CL Advertisement also does not present aggressiveness or violence in any way whatsoever. It is also clearly a humorous advertisement. The CL Advertisement utilizes over-the-top sound effects and facial expressions to further emphasize the humorous and comedic nature of our commercial. We also do not use any obscene language in the CL Advertisement.

Moreover, the CL Advertisement does not exploit sex and sexuality. It can be viewed as empowering women, not vilifying them. Avid takes necessary steps to ensure that its advertisements (including the CL Advertisement in question) are aired at appropriate times given its target audience. Avid has complied with the Code as it relates to potentially sensitive content and sexual innuendo.

Avid understands that its business, specifically its Cougar Life brand, is not for everyone. However, while we understand that there is a subjective element to one’s “tastes”, the CL Advertisement complies with the letter of the Code, and the intent and spirit of the Code. We trust that this addresses the complainant’s concern. Avid would like to thank the ASB in advance for its consideration of our response. We look forward to hearing from you and continuing to work co-operatively with the ASB and its Board.

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 concern that the advertisement is sexist and disgusting.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted the image features a young man in a coffee shop mistaking a woman for being in his university class only to discover she was his teacher. The advertisement then shows the next morning where the man is in the woman's kitchen drinking chocolate milk. She offers him "dessert" where he responds how much he loves dessert.

The Board noted the complainant's concern that the advertisement is sexist.

The Board considered that the advertisement was promoting a service that some members of the community may not approve of but that the service was legally allowed to be advertised. The Board noted that the advertisement depicted two consenting adults flirting with each other and seemingly spending the night together. The Board considered that the depiction did not suggest that either party was encouraged to partake in a sexual encounter that they were not comfortable with.

The Board considered that the material did not amount to a depiction that discriminates against, or vilifies a section of the community on account of gender as it is not negative about men or women.

The Board considered that it did not breach section 2.1 of the Code.

The Board then 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 whilst the advertisement is suggestive of a two people engaging in a relationship of a sexual nature, there was no nudity and no sexual activity shown in the advertisement.

The Board noted that it had previously upheld an advertisement for the same advertiser (ref: 0349/13) and in that case considered that: "there are members of the community who do not like the concept of a dating service designed to match older women to younger men. The Board considered however that the product is legally able to be advertised and that it is not the position of the Board to comment on the suitability of the service. The Board noted that the women and men in the advertisement are fully clothed.

The Board considered that there is no inappropriate nudity and that any suggestion of sexual intimacy is very mild and would not be understood by children."

The Board considered that this advertisement was similar in content and impact.

The Board noted that the advertisement had been given an M rating by CAD and that the advertisement had been aired in the appropriate timeslot for the rating.

The Board considered that the advertisement was appropriate for viewing by an adult audience as per the rating and that it did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Board dismissed the complaint.

