



Case Report

1	Case Number	0270/10
2	Advertiser	UnitingCare Wesley
3	Product	Community Awareness
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

DESCRIPTION OF THE ADVERTISEMENT

A view of a corrugated iron wall covered in graffiti. The voice over talks about homeless people being invisible and the viewer gradually becomes aware that there is an apparently naked man lying down facing the wall, and he has been marked with graffiti also. The man moves and stretches and then a final voiceover states "Just because you don't see them doesn't mean they're not there."

THE COMPLAINT

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

My 3 young adults (children aged 19 (twins) and 16yrs) were watching Masterchef Australia when they were confronted with this ad which has offended them all because it uses nudity to get its point across. Both the program and the timeslot would have younger viewers. This ad has offended myself 50yrs my son 19yrs and my daughters 16 yrs and 19 yrs for two reasons. It is using nudity to communicate a message about homeless people whom you would not see on the street nude. Also this ad is connected to a church who because of what they represent should not be using nudity to advertise. I and my children go to church and this has greatly offended us that a church would advertise in this manner.

THE ADVERTISER'S RESPONSE

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

The person in the commercial was not naked (although he might appear so from behind) and the image is not sexualized in any way. The use of body paint to conceal the person was an artistic representation of the hidden nature of homelessness. (The intention was that the person should blend into the graffiti wall so that the viewer only becomes aware of his existence when he moves at the end of the commercial.)

The central message is that the community should recognise the invisible nature of homelessness and the importance of responding effectively and compassionately.

UnitingCare Wesley plays an important role in advocating for the right of everyone to have a stable and secure home. UnitingCare Wesley provides programs and services such as financial counselling, low interest loans to prevent homelessness and provides practical support and assistance for people to find safe secure accommodation.

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's depiction of nudity is offensive and inappropriate for the audience.

The Board viewed the advertisement and noted the advertiser's response that the person depicted in the advertisement was not naked and further noted the use of the metaphor reflecting the invisibility of homeless people.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that an element of the complaint indicates concern with the product being advertised at all, particularly by an organisation affiliated with a church, and acknowledged it is unable to comment on this component of the complaint as an advertiser is able to promote a service or product, provided they comply with the requirements of the Code.

However, the Board noted its previous decisions relating to public health and safety campaigns, where it accepted that a higher level of graphic imagery can be shown where it is considered to be justifiable in the context of the important message being conveyed to the public.

The Board considered that the messages in the advertisement are part of an important message designed to raise awareness of homelessness within the community.

Having regard to the above, the Board determined that the image and messages are not inappropriately graphic or sexualised in any way and that, although upsetting to the complaint, the Board considered that the majority of the community would understand the overall aim of the advertisement was to provide programs and services to prevent homelessness. The Board therefore determined the advertisement was not in breach of Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.