



Case Report

1	Case Number	0271/13
2	Advertiser	Cringila Hotel
3	Product	Bars/Clubs
4	Type of Advertisement / media	TV
5	Date of Determination	14/08/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a barmaid holding a tray of drinks and saying, "Come see me and my waitress friends at the Cringila Hotel". She is then joined by two more barmaids. They are all wearing low cut tops and their bra straps/cups are visible.

THE COMPLAINT

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

Inappropriate for 7.30pm time slot and the show Masterchef.

THE ADVERTISER'S RESPONSE

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

I refer to your email to Mr Rob Lang dated 26 July 2013 in relation to a complaint about an advertisement for Cringila Hotel which aired on Southern Cross Ten, Wollongong on 18 and 19 July 2013. As the creator and broadcaster of the advertisement, we advise as follows.

The advertisement was created by Southern Cross Ten in response to a brief by our client, Cringila Hotel. The 15 second advertisement featured three waitresses who are employed at the Cringila Hotel, inviting guests to visit the Cringila Hotel at designated days and times.

The advertisement was approved by our client on 15 July 2013.

The advertisement was submitted to Free TV's Commercials Advice for CAD approval on 12 July 2013. CAD approved the advertisement on 15 July 2013 and assigned it the number BY1HPEOA.

CAD also assigned the advertisement a "B" placement code. Advertisements with a "B" placement code must not be broadcast between 6.00am and 8.30am on any day, 4.00pm and 7.00pm on weekdays and 4.00pm and 7.30pm on weekends.

On the days in question, being 18 and 19 July 2013, the advertisement aired on Southern Cross Ten at the following times:

- a) 18 July 2013 at 19:52:11 during Masterchef Australia;*
- b) 18 July 2013 at 23:28:25 during The Project Encore; and*
- c) 19 July 2013 at 24:59.50 during The Late Show With David Letterman.*

We confirm that on no occasion was the advertisement broadcast outside the permitted times.

The earliest broadcast of the advertisement on 18 July 2013 was at 7:52pm, which is markedly outside the restricted 4.00pm - 7.00pm weekday period.

Please contact me should you require any further information in relation to this matter.

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 complainants' concerns that the advertisement is inappropriate for broadcast at 7.30pm during Masterchef.

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

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 the advertisement features three female barmaids from the Cringila Hotel promoting the hotel's opening hours and pool competition and inviting viewers to join them "for some fun".

The Board noted the complainant's concerns regarding the timing and placement of the advertisement. The Board noted that the advertisement had been rated 'B' by CAD which means it can be aired after 7pm any day of the week.

The Board noted that the three barmaids are wearing low cut tops which reveal their bra tops and/or straps and considered that some members of the community could disapprove of this style of dress. In the Board's view the level of cleavage and style of dress is not inappropriate for the nature of the venue. The Board noted that whilst the women in the advertisement invite viewers to join them for some fun the Board considered that this invitation is open to a range of interpretations and in conjunction with a promotion for a venue which offers pool competitions the overriding message is to come to the hotel and the overall tone of the advertisement is not overtly sexualised or inappropriate.

The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and 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.