



ADVERTISING
STANDARDS
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0282/14
2	Advertiser	Internode
3	Product	Information Technolo
4	Type of Advertisement / media	Free TV
5	Date of Determination	13/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Internode Winter Break TVCs parody the American 'Girls gone wild' phenomenon, in which popular college girls 'go a little crazy' whilst on 'Spring break'. In the Internode TVCs, Winter Break is advertised as 'the season when geeks get to party indoors'. The TVCs depict a range of nerdy looking men seated at computers or in front of gaming consoles, who leap up, dance around and lift their shirts (baring their naked chests) upon hearing of Internode's fantastic broadband and phone bundle deals.

THE COMPLAINT

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

I should not have to "explain" this ad to my children. I certainly do not want children (or adults) trying to replicate this advert in public or the school yard.

It shows a range of men stripping or pulling up their shirt tops and revealing their bare chests and acting/dancing in a highly sexualised way. This is being shown throughout the day and at times that young children can be viewing it. It is an annoying and offensive ad and totally unsuitable for a viewing audience that involves children due to the sexualised nature of it.

If the roles were reversed and females were in the ad it would not be aired.

THE ADVERTISER'S RESPONSE

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

We refer to your letter addressed to Internode. Please be advised that Internode is a wholly owned subsidiary of iiNet.

Internode Pty Ltd (Internode) writes in response to the complaints referred to us by the Advertising Standards Bureau (ASB).

1. THE ADVERTISEMENTS

The complaints relate to three 'Geeks Gone Wild - Winter Break' television commercials (TVCs) promoting Internode's broadband and phone bundles.

By way of background, Internode has run a series of successful advertising campaigns based around an acknowledgement that Internode's customer base is largely comprised of 'geeks'. The term 'geek' is worn with pride and Internode customers are encouraged to embrace their 'geeky-ness'. These campaigns, ranging from converting Klingon phrases to English to a Star Wars' Wookie giving birth, have been well received and secured strong surges in new customer signups.

In its latest campaign, the Winter Break TVCs parody the American 'Girls gone wild' phenomenon, in which popular college girls 'go a little crazy' whilst on 'Spring break'. In the Internode TVCs, Winter Break is advertised as 'the season when geeks get to party indoors'. The TVCs depict a range of nerdy looking men seated at computers or in front of gaming consoles, who leap up, dance around and lift their shirts (baring their pasty, skinny or pudgy chests) upon hearing of Internode's fantastic broadband and phone bundle deals. The ads provide a humorous reversal of the stereotypical portrayal of attractive, bronzed, scantily clad women to symbolise a wild party. The humour derives from the fact that there is nothing inherently shocking or sexual about a man bearing his chest and that there is nothing sexy about the geeks or the way that they are dancing.

2. THE COMPLAINTS

The complaints received by the ABS can roughly be divided into two categories:

- first, that if women were portrayed in the same way that Internode's loveable geeks are portrayed, there would be an outcry; and*
- second, that the TVCs contain overt sexual content or nudity and that they are inappropriate for the timeslots in which they have been aired.*

For the reasons identified below, and with respect to the complainants' personal views, it is clear that the complaints are without foundation.

3. RESPONSE TO THE COMPLAINTS

Internode takes its responsibilities under the AANA Code of Ethics (Code) seriously and submits that the TVC's do not breach any provisions of the Code, each of which are considered below.

However, at the outset and in response to the first category of complaints above, Internode notes that the ASB is required to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of its role. The only question to be answered is whether the TVCs, as aired, contravene the Code. Accordingly, Internode submits that the first category of complaints which proceed on the basis that, in effect, if the TVCs were different to what they are, they would be objectionable, should be dismissed.

(For the sake of completeness, Internode notes that the TVCs are not an example of "advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to children...". Accordingly, the AANA Code for Advertising and Marketing Communications to Children does not apply.)

2.1 - Discrimination or vilification

We note that none of the complainants raise any concerns that the TVCs discriminate against or vilify anyone. The TVCs do not, in any way, convey the message that geeks, or men generally, should be treated less favourably than anyone else, nor do the TVCs humiliate, intimidate or incite hatred against geeks, or men generally.

The TVCs poke innocent fun at geeks, and the geeks are in on the joke. The TVCs are in fact a celebration of geeky-ness. The geeky characters are depicted as being happy and confident and unconcerned with how others may perceive them.

2.2 - Exploitative and degrading

Section 2.2 of the Code states that “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading...”. The Code Practice Note defines the term “exploitative” to mean “clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others...” and “degrading” to mean “lowering in character or quality a person or group of persons”. Accordingly, the TVCs are to be assessed against that standard.

With respect to the actors portraying the geeks, it is a stretch to say that the TVCs include any "sexual appeal"; which is the vice which is sought to be addressed by section 2.2 of the Code. On the contrary, the very point of the TVCs is that the geeks are not sexually appealing. Also, as discussed above, the TVCs do not objectify the geeks for the amusement of others. The conduct of the geeks in the TVCs is solely for the amusement of the geeks themselves.

2.3 - Violence

The TVCs do not portray any violence and therefore no issue arises under this section of the Code.

2.4 - Sex, sexuality and nudity

Section 2.4 of the Code requires that advertising and marketing communications treat sex, sexuality and nudity with sensitivity to the relevant audience. The TVCs do not contain any depictions of sex, or raise the issue of sexuality.

The TVCs were provided with a CAD rating of “W” and have been displayed to the public in accordance with this rating at a general evening timeslot. The TVCs have not been aired during dedicated children’s programming. Internode believes that the overall theme and content of the TVCs is appropriate for viewing by the relevant audience.

The actions of the geeks in the TVCs are deliberately exaggerated and unrealistic in a humorous way. To the extent that any young viewers may see the TVCs, Internode believes that such viewers would consider that the geeks were behaving in a ‘silly’ manner, rather than in a sexual way.

A number of the complainants raised concerns that depicting the men’s chests and nipples was ‘disgusting’ or ‘offensive’. Internode considers that any reasonable member of the community would not find the exposure of a man’s chest in the humorous scenario presented to be offensive or overly sexualised. Men with their tops off are seen in any number of ads and will be seen in abundance in public during any walk along an Australian beach in summer. Exposure of men’s chests is clearly not against prevailing community standards. We understand that one of the complainants perceived that that the geeks in the TVCs were using the internet to watch pornography and that the lifting of their shirts was a sexual act associated with watching pornography. This is certainly not the message that the TVCs are intended to convey and we do not believe that the majority of viewers would interpret the TVCs in this way. Geek culture is known for its obsession with science fiction, comic book characters and online role-playing games such as ‘World of Warcraft’. Pornography is not a part of geek culture and is not something Internode would ever seek to promote.

2.5 - Language

The TVCs do not contain any profane or offensive language and none of the complaints

received raise any issues in respect of language.

2.6 - Health and safety

The TVCs do not contain any material that a reasonable person could consider to be contrary to prevailing community standards on health and safety.

4. SUMMARY

In producing the TVCs Internode and its agency, Marketforce, have taken every care to ensure that they comply strictly with the AANA Code.

Whilst we regret that the TVCs are not to the complainants' tastes, for the reasons set out above, we do not believe that there has been any breach of the AANA Code and we request that the complaints be dismissed.

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 depicts men revealing their naked chests and behaving in a sexualised manner that is not appropriate in the context of the product being advertised or for a viewing audience that would include children.

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

The Board noted the complainant's concerns about the reaction to the advertisement if the roles had been reversed and depictions of women raising their tops to expose their chests had been used. The Board considered that its role is to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of their role.

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 the advertisement features men described by the voiceover as 'geeks' lifting their shirts as a mock parody of "Spring Break" and "Girls Gone Wild".

The Board noted the complainants' concerns that the men's nipples are visible and that this level of nudity is inappropriate. The Board noted that it is common in Australia to see men without shirts and considered that the exposure of a man's naked chest and nipples does not amount to a depiction of nudity which is inappropriate. The Board noted that the men in the advertisement are described and presented as 'geeks' and considered that whilst their behaviour is unusual it is clearly exaggerated and intended to be funny rather than sexual or sexualised.

The Board noted that the advertisement had been rated 'W' by CAD. The Board considered that the level of nudity in the advertisement is not inconsistent with the relevant audience which would include children.

The Board considered that whilst not all members of the community would recognise that the advertisement is intended to be a silly and light-hearted take-off of the "Girls Gone Wild" phenomenon, in the Board's view the advertisement does not depict sexualised material or inappropriate nudity.

Based on the above the Board considered that the advertisement 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 the Code on other grounds, the Board dismissed the complaints.