



Case Report

1	Case Number	0285/10
2	Advertiser	Chris & Marie's Plant Farms
3	Product	Other
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

At the start of the ad Chris shows his bare torso and legs and says 'nude up with neighbours be gone trees' while holding a plant (in pot) in front of him with Marie next to him.

THE COMPLAINT

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

He is naked at the start of the ad My 9 and 12 yr old girls were grossed out by this old naked man.... This looks like an ad for pornography not selling plants "lets get bare rooted " is the words he says when he is naked on the ad.

THE ADVERTISER'S RESPONSE

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

This ad is about the sale of plant specials from our Echuca, Bendigo and Shepparton stores. All of our media is purchased direct with the television stations by our company.

In relation to the complaint -

He is naked at the start of the ad - At the start of the ad Chris shows his bare torso and legs and says 'nude up with neighbours be gone trees' We have implied nudity here but Chris is not actually naked, the amount of skin shown would be comparable to what you would see at you local beach or swimming pool.

His van also has him naked on it - There is no van displaying a naked picture of Chris shown in this tv ad.

This looks like an ad for pornography not selling plants - At the start of the ad it shows a mans bare torso and legs and implies nudity, there are no sexual actions/acts in this ad, there are many plants shown and prices of plants indicating a plant sale.

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 depicted nudity inappropriate to the audience and uses the term ‘bare rooted’.

The Board considered the application of Section 2.3 of the Code, relating to the treatment of sex, sexuality and nudity.

The Board noted the advertisement includes a naked man, although his genital area is carefully obscured at all times. The Board noted that the nudity is used in conjunction with the man suggesting to ‘nude up’ when referring to a plant called ‘neighbours be gone’. The Board considered that the nudity is not sexually suggestive and is clearly intended to be humorous with the man obviously poking fun at himself. The Board considered that this advertisement was intended to be cheeky and humorous and that most members of the community would find it either funny or silly and would not consider that the nudity was sexualised. The Board considered that the advertisement did treat nudity with sensitivity to the relevant audience and therefore determined there was no breach of Section 2.3 of the Code.

The Board also considered reference to ‘nude up’ and ‘bare rooted’ in the advertisement and considered whether this language is consistent with section 2.5 which requires that advertisements ‘only use language which is appropriate in the circumstances and strong or obscene language shall be avoided’. The Board noted that the reference to ‘nude up’ is used in relation to a particular type of screening plant and that the use of ‘bare rooted’ refers to a bare rooted plant. The Board considered that use of these terms was not inappropriate and in

the context used in this advertisement were not strong or obscene language. The Board considered that the advertisement did not breach section 2.5 of the Code.

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