



Case Report

1	Case Number	0288/13
2	Advertiser	Cupid plc
3	Product	Sex Industry
4	Type of Advertisement / media	TV
5	Date of Determination	28/08/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a male and a female getting ready for a date night. You can see them doing all preparations for getting dressed – hair styling, make-up, dressing up in boxer shorts (male) and black lingerie (female). They each exit their respective homes and walk down the street, separately, leaving for their date. The end frame holds the logo with information, that BeNaughty is available on different platforms (web, android app and social network app), strapline text (which reads ‘Cut to the chase dating’) and icon/text which reads ‘Android app on Google play’ ‘Find Us on Facebook’.

THE COMPLAINT

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

Nudity in the ad. Male and female putting underwear/lingerie on including vision of exposed buttocks.

THE ADVERTISER’S RESPONSE

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

The advert has been described by the complainer as involving the male and female "walking down the street half naked". Upon viewing the advert you will see this is wholly incorrect as both individuals are clothed, in underwear.

The reason for concern in the complaint centres around nudity within the advert. Specifically when the male and female put on their bottom underwear (boxer shorts for male and pants for the female).

Whilst we accept that the buttocks are exposed (the advert is shot from the rear and therefore as the pants are pulled up you can see the top area of the actors' buttocks), we believe the use of nudity is within the limits imposed by the Code, and we are not in violation of the Code. Section 2.4 states that "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience"

We note there is no bar to nude content, and that such use of nude content should be with sensitivity to the relevant audience.

It is our position that out of the 30 second advert, no more than 2 secs feature the partial exposure of buttocks. The nudity is not in any way gratuitous and is within the context of the casual dating website that the advert is promoting. The story of the advert involves individuals showering, getting ready for a date and dressing, if nudity had been the aim of the advert the initial shots after the shower would have featured elements of nudity when you will note that the individuals are covered with towels for these shots, therefore any use of nudity has been kept to a minimal amount of time in the context of a 30 second advert.

Further to this, our relevant audience is clearly adults over 18 years of age, and given the fact this advert aired between 11pm and 11.30pm, we have taken all possible steps to ensure it is after any water shed time periods, and it is reasonable to assume that at such a time of night, only adults would be viewing the advert.

It is our position that we have treated the minimal nude content with sensitivity having regard to our audience and have aired the advert at a time when we can reduce the exposure of minors to the content.

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 features nudity which is not appropriate.

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

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 a man and woman preparing to go on a date wearing only their underwear.

The Board noted the complainant's concerns about the level of nudity in the advertisement. The Board noted that when the man and the woman pull on their respective undies there is a very brief flash of exposed buttocks.

The Board noted that when the woman leaves her house to meet the man for a date there is a close up of her wearing black underwear and stockings and considered that whilst this image is sexualised it is in the context of a dating website which allows you to “cut to the chase” regarding what you want from a date and is appropriate for the relevant audience.

The Board noted the advertisement had been rated “S” by CAD which means it can only be aired between 11pm and 5am, and considered that the level of nudity in the advertisement is not inappropriate for viewers of television during this time period.

The Board considered that the image did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.