



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0290-21
2. Advertiser :	Westpac Group
3. Product :	Finance/Investment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	27-Oct-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a wide range of big and small moments that happen everyday in Australia to a diverse selection of people.

Each person delivers a VO that accompanies the pictures, and each story is brought to life in a different way – some real footage, some animation, some surreal dream like scenarios. This includes a topless woman who has had her breasts removed but has tattoos covering her chest.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

In particular a lady stands up and looks at the camera with pants on but no shirt. Showing her chest with a large tattoo across it however her breasts have been removed. My complaint is it is still exposing a lady's chest on free to air advertising. The ad then shows (at 2 different occasions) 2 women being lifted into the air and passionately kissing each other



THE ADVERTISER'S RESPONSE

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

At Westpac, we support a wide range of diversity, and we are proud to support Australia's LGBTIQ communities, which represents part of our customer base and our workforce. Inclusion of all Australians is important to our brand and our business. There are many relationships, age groups, genders and ethnicities featured in our commercial including that of a same sex couple that acknowledge the diversity of the Australian community. We furthermore want to show Australians that we understand life is made up of big and small moments and that we are here to help. Helping our customers navigate life's big moments includes major operations like a mastectomy, as seen in our commercial.

The below link from our website provides further detail on how we can help and support many of our customers through difficult times.

<https://www.westpac.com.au/help/lifemoments/>

Upon producing this commercial we reviewed the code at https://aana.com.au/wp-content/uploads/2020/09/AANA_Code_of_Ethics_Effective_February_2021.pdf and have such reviewed again in line with these complaints. We still believe that that this work meets the criteria under section 2 with specific comments below:

- 2.1 - It does not portray, discriminate, or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness, or political belief.*
- 2.2 – It does not employ sexual appeal with any of the talent shown within.*
- 2.3 - It does not present or portray violence within any of the scenes.*
- 2.4 – It treats nudity (mastectomy scene) with sensitivity to the relevant audience. The talent in fact was a woman who had recently had a mastectomy.*
- 2.5 – Appropriate language has been used for the relevant audience and medium and no strong or obscene language has been used.*
- 2.6 – It does not depict material contrary to Prevailing Community Standards on health and safety.*
- 2.7 – Advertising is clearly distinguishable as such.*

We appreciate and respect that not everyone may share these views and hope that our response provides some further background and context. Thank you for the opportunity to respond to the complaint submitted. We are happy to answer any further questions Ad Standards may have.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concern that the advertisement exposes a woman's bare chest, and depicts two women kissing.

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

Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel noted that the advertisement depicts a scene showing two women kissing and a scene showing a woman without a shirt. The Panel considered that some members of the community may find these scenes to contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity".

The Panel noted that the advertisement featured a woman standing in front of a mirror without a shirt. The Panel considered that the advertisement did contain partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is "understanding and awareness to the needs and emotions of others".

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.



The Panel noted that this advertisement was broadcast on free to air television considered that the audience would be broad and would include children.

Kiss

The Panel noted the complainant's concern that the advertisement depicts two women kissing.

The Panel noted that the issue of same sex relationships is not within the provisions of the Code and considered only the issue of kissing.

The Panel considered that both women are fully dressed and their kiss is not overly sexualised or explicit. The Panel acknowledged that some members of the community may prefer not to see intimate scenes however considered that the sexuality in the advertisement was very mild and not inappropriate for viewing by a general audience which may include children.

Topless woman

The Panel considered that although the woman depicted in the advertisement is topless, her pose is not sexual and she is not presented in a sexualised manner. The Panel considered that there is no emphasis of sexual matters and no emphasis on her sexual character.

The Panel noted that the woman depicted appears to have had a double mastectomy and received a subsequent tattoo over the scars. The Panel considered that the image shows a woman who is proud of her tattoo and feels empowered by and comfortable with her body.

The Panel considered that although the woman is shirtless and this is a depiction of partial nudity, most members of the community would not find such imagery, in the context of the advertisement showing her to be proud of her tattoo, to be sexualised.

The Panel considered that the sexual element of the advertisement was mild and not overt and was not inappropriate for a broad audience that may include children.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.