



Case Report

1	Case Number	0297/12
2	Advertiser	A List Entertainment
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	25/07/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

Advertisement shows a segment of Kitty's stand up show on stage as she delivers some of her show. The voiceover then provides the details about where the show is on and the date and other relevant information.

THE COMPLAINT

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

The entire advertisement is based on a comedy skit in which Kitty Flanagan discusses how its not fair that females don't have a sex mime. She goes on to describe the male sex mime including a physical imitation of the mime in which she imitates having sex slowly and graphically using her hips and hand. I find this movement very rude and sexist towards women. She then goes on to talk about how females must have handles on their back as that is what it looks like in the mime. I think this is very sexist. It is a rude and offensive advertisement which should not be shown on television any time of the day. But especially I cannot believe it has been shown regularly during the day.

THE ADVERTISER'S RESPONSE

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

At school Kitty was a tiny, stick like child with very large front teeth and fuzzy hair. An acutely shy teenager she spent her adolescent years staying in on Saturday nights watching Eight is Enough and Magnum P.I. She also played tennis, a sport well known for retarding social development. There's a reason tennis players are rarely involved in scandals, they're essentially rather dull and for the most part, they don't even know how to talk to the opposite sex.

Secretly Kitty always wanted to be an actor, however she knew she would never survive acting school. Her inner voice wouldn't shut up long enough to let her do serious things like Shakespeare or mime classes that required you to wave about like a sheaf of wheat in the wind or melt like an ice cream in the sun.

*She tried to be a P.E. teacher for awhile, this time ignoring her inner voice which was now screaming: "you cannot be serious!" *she was still really into tennis and her inner voice had started to sound a lot like John McEnroe).*

Advertising beckoned next as it seemed like the job that paid the most money for the least amount of qualifications. For five years she masqueraded as the copywriter. Eventually she was fired. She doesn't know why and sadly, she doesn't care.

Believing her true calling to be pulling beers, she went to work in a bar. And then she tried doing stand up. And then she got a job on Full Frontal (a sketch show, not a nudie mag). And then she moved to London and did lots of standup...heaps of it. She did it everywhere. Big clubs like the London Comedy Store, small clubs that were so small there's no point naming them because you won't have heard of them.

She did standup in foreign countries like Japan, France, Germany and Holland all known for their rocking sense of humour. She performed at all the Festivals including Edinburgh, Kilkenny, even Cape Town.

She did another sketch show, an English one this time. And then she made a short film. And she won awards. And she wrote long, tedious acceptance speeches which in her mind were pithy and witty and fortunately they were never heard because short film festivals, rather wisely, don't invite film makers to make acceptance speeches. All the while she did more standup. And she got commissioned to write things for the BBC, And for Channel Four. And then she moved back to Australia. Which is where she is now. Still doing stand up. Still writing for film and television.

Kitty released her first live DVD in 2011 entitled Charming and Alarming - her Helpmann Award nominated show and is available on iTunes and at all leading retailers.

You can see Kitty on Channel 10's 'The Project' every Tuesday night.

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 sexual material which is discriminatory towards women and is inappropriate for viewing by children.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that the advertisement was to promote Kitty Flanagan's comedy tour and features a scene where she demonstrates how men mime the sex act and says that this mime suggests women have handles on their backs.

The Board noted the complainant's concerns that the suggestion of women having handles on their backs is sexist and considered that the comment was made in the context of a joke and that it did not of itself amount to a comment about women which would be considered to discriminate or vilify women.

Based on the above the Board determined that the advertisement did not depict material that discriminated against or vilified any person or section of society.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 complainant's concerns over Kitty's depiction of the sex act mime.

The Board noted that some members of the community would prefer to not have references to sexual activity presented in advertisements however the Board considered that in this instance the reference to sex was not explicit and it was not inappropriate to show this material in the context of promoting her comedy tour

The Board noted the advertiser's response that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a "PG" rating and only appears in the appropriate timeslots for the rating given.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant PG 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 complaint.

