



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0314/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Universal Music Aust Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Edits of Miley Cyrus' "Can't Be Tamed" video clip, with the voiceover highlighting the songs featured on the new album. The 30" TVC additionally highlights the concert DVD that's available on the deluxe version of the album.

### THE COMPLAINT

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

*During Saturday morning Disney obviously a show intended for young children a commercial for a new music album from the artist Miley Cyrus was repeatedly shown. The ad features a montage from the music video clip which feature sexualised images which are inappropriate for children's viewing. This ad runs along side the ads for My Little Pony baby dolls and soft cuddly kitten toys amongst others which one would reasonably expect to see at childrens viewing time.*

### THE ADVERTISER'S RESPONSE

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

*The television commercial contains vision of Miley Cyrus singing and dancing in the video clip for "Can't Be Tamed". This video clip was provided to Universal Music Australia by the Disney Music Group. The edits of the clip that appear in the advertisement show Miley singing and performing choreography in costume, at times alongside other dancers.*

*In the video clip (and subsequently in the commercial), Miley and her dancers wear costumes depicting them as bird-like figures. Miley's costumes consist of leotards accessorised with feathers and gloves. At all times, these costumes cover Miley's torso and do not expose any inappropriate body parts. All other dancers are dressed similarly, with no inappropriate body parts displayed.*

*Some scenes feature Miley performing with other dancers, however no inappropriate touching is involved.*

*Commercials Advice Pty Ltd (CAD) issued an "F" rating to the Miley Cyrus advertisement on 9 June 2010. The 30" TVC ran once during Saturday Disney on 26/06/2010 and 03/07/2010 in all major metro markets. The 15" TVC also ran once on the same dates in Sydney, Melbourne and Brisbane only. These were all bonus spots.*

## **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 contained inappropriate sexualized images, inappropriate to children's viewing.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

"Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the rating of the commercial as 'F' by Commercials Advice (CAD). F ratings relate to cinema, video, computer and CD games categories with G or PG style advertisements. The broadcast times for F rated program are: "Must not be broadcast between 4 p.m. and 5 p.m. weekdays or within [or in the breaks adjacent to] C (Children's) and P (Preschool) programs. May be broadcast at any other time." The Board noted that the advertisement was shown during the Saturday Disney programme and noted the broadcaster's advice that Saturday Disney is a "G" rated program.

The Board noted the costumes, backdrop and dance moves within the advertisement and considered that the costumes and dance moves were not overtly or inappropriately sexualized, and that the advertisement was heavily stylized. The Board considered that while the full video clip may contain more revealing images these are not included in the advertisement.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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