



Case Report

1	Case Number	0318/14
2	Advertiser	Bear Metal Recyclists
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement for Bear Metal Recyclists Townsville features a list of what can be recycled (heavy steel, brass, copper, batteries, copper cable) and then the company logo of a cartoon bear with its pants pulled down to reveal its naked furry bottom.

THE COMPLAINT

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

There was a bear that pulled his pants down and showed his bottom.

THE ADVERTISER'S RESPONSE

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

When we produced this advertisement we certainly did not consider it to be offensive, it was meant solely to be a cute advertisement with a play on words eg: bear metal, bare metal and bare bottom. In regards to this we still think that we hit the mark on all the points that we tried to achieve. As the advertisement has been running since 7th March 2014 it is obvious that the majority of the public consider this ad to be cute and humorous. Many people who have seen this advertisement have commented on how cute it is. To think that one person

through making a complaint can jeopardise this ad that obviously brings a smile to most people's faces is rather trivial.

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 a bear exposing its bottom.

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 the advertiser's logo which is a cartoon bear with its pants pulled down so its bottom is exposed.

The Board noted that the bear is a cartoon and considered that most members of the community would agree that there is a difference between human nudity and cartoon nudity. The Board noted that the level of detail of the bear's bottom is very minimal and considered that overall the depiction of a cartoon bear's bottom, in the context of an advertiser's established logo which ties in with their company name, is not inappropriate.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant 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.