



## Case Report

1	Case Number	0323/15
2	Advertiser	Freedom Insurance Pty Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/08/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This commercial follows everyday life situations of a couple, Susan and Jim, who have taken out Freedom Final Expenses cover. As they are now unconcerned about having their children to pay for their funerals, they are very carefree – so much so that they happily live their lives without clothes. We never see them completely naked, however – instead our view is obscured by camera angles, objects in the foreground, or later in the commercial superimposed text.

### THE COMPLAINT

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

*Whilst I have a broad perspective on life and a reasonable sense of what is right and wrong in advertising I feel this advert is blatantly rude and unacceptable! If a minor was to view this ad it would be totally unacceptable and create questions or suggestions that no parent would like to deal with. Even though I'm in my fifties with adult children, I and my partner were offended grossly by this Advert and would like to suggest it be removed as soon as possible, Australians of all ages deserve better than this type of Nudity in advertising.*

*Naked overweight people although there private parts are covered it is in very bad taste.*

*My partner, my 16month old daughter and I were having lunch and watching TV, once the ad*

*came on and everyone was naked she started lifting her shirt up (as if she was trying to remove her clothes) and pointing at her naked tummy and the ad. We really don't appreciate trying to explain to our child that it's inappropriate to do that when she's seeing naked adults daily on television...*

*Two people in the ad are nude, advertising slogans hide their genitals. I find the ad inappropriate at any time slot. The first time I saw the ad was around 4pm during channel 9 news. Nudity in any form is not needed to promote a product.*

*It has nude ugly old people with little covering over their private parts which is disgusting and revolting and should not be shown on television and is on different stations at different times.*

## **THE ADVERTISER'S RESPONSE**

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

*We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("the Code"). We note that the nature of the complaint relates specifically to the concern that the ad in question contains inappropriate nudity.*

*We have carefully considered the Code, and have assessed the provisions against the content of this advertisement. We submit that the advertisement does not breach the Code on any of the grounds set out in the same.*

*Looking at the Code, Provision 2.4 provides that advertisements must "treat sex, sexuality and nudity with sensitivity to the relevant audience". Further, Provision 2.2 provides that advertisements must not "employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people".*

*We note the complainant's specific concern that the advertisement is "smutty", "inappropriate [for the] time of day" with "no warning given about the nudity content" We also note the complainant stated that the "covering of private parts was not sufficient".*

*With regards to Provision 2.4, we note that the actors featured as the main characters of the advertisement are both nude, however, their genitals and buttocks are not visible at any point, as various objects and on screen graphics are blocking them from view. Further, the female actor's breasts are also covered in a similar fashion at all times. Accordingly, in our view most reasonable viewers would not be offended with the level of nudity in the advertisement. The nudity in this advertisement was tastefully presented, in an irreverent and light-hearted manner that was intended to be humorous. We accordingly submit that the advertisement has treated nudity with sensitivity.*

*In regards to whether such sensitive treatment was relevant to the audience, we note that the advertisement appeared in timeslots as allowed by its rating. The primary audience of the advertisement is intended to be a more mature audience of men and women, such as those depicted in the advertisement, and was presented in a cheeky and humorous, light-hearted manner that would have been appreciated by most members of that intended audience.*

*With regards to Provision 2.2, we note that the actors featured in the advertisement are both middle aged and not particularly attractive by conventional standards. Further, the actions undertaken by the actors whilst in the nude are not sexualised in any way, and the advertisement does not seek to employ sexual appeal at any point. We note that several characters in the advertisement react with bemusement at the appearance of the main*

*characters, and their children in particular react with mild embarrassment at their parent's constant preference for nudity. However, the main characters themselves appear to be completely comfortable with their own appearance, and unaffected by the reactions of others (either being ignorant of it, or even relishing in the same). There is nothing in the advertisement that suggests that the actors are being exploited or degraded in any way by being nude, it is a conscious and proud choice of the characters they are portraying. Accordingly, we submit that the advertisement does not breach Provisions 2.2 or 2.4 of the Code, on the grounds that it does treat sexuality and nudity with sensitivity to the relevant audience, and does not employ sexual appeal in an exploitative or degrading manner. We further submit that the advertisement does not breach any other provision of the Code.*

## **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 complainants' concerns that the advertisement features a nude couple and is offensive and inappropriate for children to view.

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

The Board then 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 that this television advertisement features a mature couple going about their daily chores at home whilst not wearing any clothes.

The Board noted that although it is clear the couple are naked the use of strategically placed objects, or on-screen text boxes, means that their genitals, and the woman's nipples, are covered.

The Board noted that the couple are depicted as going about normal everyday activities and considered that their actions, poses, and the situations they are in are not sexualised or intended to contain any sexual meaning.

The Board noted that in some scenes the couple's children are with them, clothed, and considered that whilst they appear embarrassed by their parents' nudity they do not appear alarmed or distressed. The Board considered that there is no suggestion of impropriety between the naked parents and their clothed children.

The Board noted that the advertisement had been rated 'W' by CAD which means it would be

viewed by a broad audience which would include children. The Board considered that the level of nudity depicted in the advertisement was not inappropriate for children to view.

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

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that in one scene we see a naked man, with a tool belt covering his genital region, using a power tool. The Board noted that the man is wearing safety goggles and considered that whilst Prevailing Community Standards would encourage the use of goggles the use of clothing does not fall under any legislation regarding the use of power tools by a person in their own home. The Board considered that most reasonable members of the community would recognise that this advertisement is not encouraging members of the community to copy the man’s actions and considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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