



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0328/18
2	Advertiser	VIMN
3	Product	Entertainment
4	Type of Advertisement / media	TV - Out of home
5	Date of Determination	25/07/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This TV out of home advertisement features a host reporting on the rumoured pregnancy of a "Geordie Shore" cast member. It also features images taken from social media.

THE COMPLAINT

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

This billboard was situated behind the train as we got off the train. It was unavoidable for all commuters. I felt very uncomfortable with my 4yr old hearing this and would have felt worse with primary aged kids. The content and the tv show contravene community standards of what is acceptable for children to view eg drinking, promiscuous behaviour, swearing, fighting. The tv show is aimed at 13 or 15+ and so I believe it should not be advertised to kids in a public place. The ad went on for several minutes, and was quite long.

THE ADVERTISER'S RESPONSE



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

VIMN's Ad is a celebrity news piece rather than a pure "advertisement" for any MTV Programming [Diagram 1] which explores the pregnancy rumours surrounding Charlotte Crosby, a major reality television Geordie Shore UK former cast member and her public address of her 'baby bump' on social media. The Ad is designed to entertain audiences in their commute through the Location.

Charlotte Crosby has been dating Joshua Ritchie for several months now and is not afraid to flaunt their affection on social media. She didn't anticipate fans pointing out a 'baby bump'. The Ad serves to clear the record for Charlotte Crosby, but also inform the audience of how the rumours came about following Charlotte Crosby wearing a cropped tee and an unbuttoned pair of shorts while with her boyfriend, Joshua Ritchie.

The Ad also compares similar previous rumours for other MTV Geordie Shore celebrity couples – Chloe Ferry and Sam Gowland, along with Marnie Simpson and Casey Johnson.

It concludes by pointing out that Charlotte Crosby may have children in the future as she has always been open about her desire to parent, even 'trying for a baby next year' to be a 'young cool mum'.

The Ad was on air on the MTV channel throughout Australia & New Zealand and was promoted on Twitter. It was on rotation from 9 July 2018 to 16 July 2018 via APN at the Location.

Response to the Complaint, taking into account the AANA Advertising Code of Ethics: VIMN understands the essence of the Complaint is Section 2.4 of the AANA Advertising Code of Ethics (the Code) being Sex, Sexuality & Nudity, and our response focusses on this section. VIMN does not believe the Ad includes content requiring consideration under any other sections of the Code, being:

- 2.1 Discrimination or vilification*
- 2.2 Exploitative or degrading*
- 2.3 Violence*
- 2.5 Language*
- 2.6 Health and Safety*
- 2.7 Distinguishable Advertising*

2.4 Sex, Sexuality and Nudity

Section 2.4 of the Code requires "advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience"

The Ad, when viewed holistically, does not depict anything which is overtly sexual and



no nudity is evident. The audience for APN Outdoor Advertising is the general public, hence why it is G classified at the Location. It was approved under the APN acceptable advertising intake for the July 2018 period, and APN has not accepted content previously from VIMN brands due to it being non-G rated. It is important to make a distinction between the Ad (G rated) and the MTV Geordie Shore programming itself, which is indeed targeting the 15-35 age group as it is classified higher and is distributed on subscription television where viewers can make informed choices about their programming experience and have the comfort of a parental lock.

The Code and accompanying AANA Advertising Code of Ethics Practice Note (Practice Note) does not provide a precise definition for Prevailing Community Standards, but the Panel indicates it will have regard to those standards at the relevant time of the advertising, along with any research by the ASB.

To specifically address the Complaint in relation to the Code and Practice Note:

(1) Sex, sexuality and nudity with sensitivity to the relevant audience and reference to Prevailing Community Standards

The complainant states,

“This billboard was situated behind the train as we got off the train. It was unavoidable for all commuters. I felt very uncomfortable with my 4-year-old hearing this and would have felt worse with primary aged kids.”

The Ad was situated in a public place, being at the Location, and visible to the general public in the lunch time period on a weekday (Monday). The primary audience would be commuters and CBD workers, however VIMN notes the Complaint was made during the school holidays, therefore families and children may be exposed to the Ad. Nonetheless, the Ad was approved for the Location and G classified. The Ad reports on pregnancy, which is a regular feature of mainstream news. It is not clear in the Complaint if the offence was caused due to the pregnancy subject matter or because the celebrity news was about an MTV Geordie Shore former cast member. Further, there are no explicit sexual scenes whatsoever or nudity. Minors viewing the Ad would not have context for the discussion surrounding Charlotte Crosby’s ‘baby bump’ and a reasonable 4-year-old may not in fact even comprehend the content. For example, the word “knocked up” is a euphemism that Minors, particularly younger minors at 4 years old, would not ordinarily understand, along with many primary school students. Emily St John (Host) mentions that “it turns out, if you’re on Geordie Shore and have been dating someone for a few months, you’ll immediately get knocked up” [Diagram 2]. The host makes an observation based on fans responding to Charlotte Crosby’s ‘baby bump’ with her unbuttoned shorts [Diagram 3].

Despite the foregoing, VIMN acknowledges from the Practice Notes, Ad Standards



take into consideration not only the Relevant Audience (which would be the general public, including the MTV audience and the demographic from 15-35 years old and above – many of which are commuters) but also a broader audience nature due to the public positioning, which may include Minors. VIMN understands the Community Panel considers not only the target audience but who can see it and uses this information to determine a view of whether the Ad treats sex, sexuality and nudity with sensitivity to the audience. Nonetheless, VIMN is of the view the Ad content does treat sex, sexuality and nudity with sensitivity to the general public as nothing explicitly sexual is mentioned outside of the pregnancy/'baby bump', no sexual images are included, no nudity, genitalia or pornography is displayed, nothing suggestive and inappropriate to the general public is demonstrated, images that are relevant to the discussion are used to enhance the celebrity news story & the Host uses discreet language so any themes are viewed in context of the broader MTV programming. The Practice Notes do state a discreet portrayal of nudity and sexuality in an appropriate context (example, the MTV News story about a former cast member) is generally permitted and care has been taken here in outdoor media to ensure it entertains and does not offend.

It is also important to note that our OzTam NATSTV Panel Overnight Data 6 July 2018 indicated approximately half of our Ad viewers on a MTV branded linear channel were aged under 18 years old.

"The content and the tv show contravene community standards of what is acceptable for children to view e.g drinking, promiscuous behaviour, swearing, fighting. The tv show is aimed at 13 or 15+ and so I believe it should not be advertised to kids in a public place."

VIMN believes the Ad does not contravene community standards of what is acceptable for Minors, as part of the general public, to view. It discusses rumours in regards to a popular television program widely viewed by commuters at the Location. It is critical to make a distinction between the Ad (which does not display any drinking, promiscuous behaviour, swearing and fighting) and the MTV Geordie Shore programming, which sits behind a higher classification and is controlled by a parental lock functionality on subscription television.

It's also important to note that the Ad does not serve to solely promote the MTV Geordie Shore programming (although it may be construed in this way). The Ad is to entertain, inform audiences of the rumours and clear the record, and can sit as a stand-alone content piece/celebrity news story. There is no reference in the Ad to 'tune in' or watch a certain episode or episodes of MTV Geordie Shore programming on-air or online.

It is therefore VIMN's opinion the Ad does not offend Prevailing Community Standards based on the content, fleeting nature of the content, along with the lack of any



inappropriate, explicit sexual or nude content.

“The ad went on for several minutes, and was quite long.”

The Ad was 1:29 (approximately 90 seconds) and is a standard length for celebrity news stories of this nature in APN outdoor placements, including at the Location.

Overall, the Ad discusses the rumours to Charlotte Crosby’s potential pregnancy and settles them for the celebrity going forward [Diagram 4]. In VIMN’s strong view, the Ad does not contravene prevailing community standards on sex, sexuality and nudity or any other aspect of the Code and does treat these themes with sensitivity to the relevant audience(s).

While VIMN does not consider the Ad raises Code concerns, VIMN highly values feedback and intends to monitor similar complaints in future to ensure advertisements and content is not unpleasant to a substantial percentage of the community.

We hope the above provides sufficient detail. In the event you require further information or clarification, please don't hesitate to contact us. We would be happy to provide details of any related APN contacts, on written request.

THE DETERMINATION

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

The Panel noted the complainant’s concerns that the advertisement featured inappropriate sexual content for a medium which would be seen by children.

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

The Panel 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 Panel noted that the out of home television advertisement features a news-style segment from MTV which features a host reporting on the rumoured pregnancy of a reality TV star.

The Panel noted that this advertisement appeared on out-of-home TVs at a train station and therefore the relevant audience would be broad and likely to include children.

The Panel noted the complainant’s concern that the content was not acceptable for



children to view.

The Panel considered the advertiser's response that the advertisement does not depict anything which is overly sexual or contain nudity.

The Panel considered that the advertisement was styled in the nature of a celebrity news segment, and considered that the content of the advertisement was not inconsistent with the language and themes members of the community would see in magazines and on the news.

The Panel considered that there were no sexualised images, nudity or sexualised language in the advertisement.

The Panel noted the references to pregnancy in the advertisement, and considered that pregnancy is a normal part of human life and is not in itself a sexualised term.

The Panel noted the complainant's concern that 'Geordie Shore' was a program for adults and was not appropriate to be advertised to children.

The Panel considered that it is not its responsibility to determine whether a product should be able to be advertised and that it could only consider the content of the advertisement itself. The Panel considered that the advertisement did not contain any material which was inappropriately sexualised, or that would be inappropriate for viewing by a broad audience which would include children.

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

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

