



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0346/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Dodo Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Telecommunications</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/09/2011</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

The ad shows a dance floor with an animated Dodo bird dancing with men and women to a song ("No Limit"). A voice over advertises an unlimited ADSL plan.

### THE COMPLAINT

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

*Prime`s advertisement is not suitable for young children and yet it is aired at hours when they will be watching.*

*I respectfully ask that this advertisement is removed.*

### THE ADVERTISER'S RESPONSE

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

*Dodo Australia strongly rejects the suggestion that the women portrayed in the advertisement are dressed inappropriately. An equal number of male and female actors were used when*

*shooting the advertisement and all actors are dressed, in our view, relatively conservatively by "nightclub" standards. The advertisement does not show or suggest any other inappropriate activity which may otherwise be associated with a "nightclub", such as consumption of alcohol.*

*Section 2.3 of the Code requires the advertisement to "treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone." There is little sexuality and certainly no suggestion of nudity in the advertisement. The content of the advertisement is far milder than much other content visible during that time of the day.*

*We would also like to state that variations of this advertisement have been airing for over a year and this is the first complaint of this nature we have been made aware of.*

## **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 images that are inappropriate for young children to see.

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 advertisement shows a dance floor with an animated Dodo bird dancing with men and women to a song ("No Limit"). A voice over advertises an unlimited ADSL plan.

The Board noted that the advertisement features up beat music and dancing typical to that seen in nightclubs and does not include any inappropriate movements or actions from any of the people dancing at the 'club'. The Board considered that it is reasonable to see women in particular in short skirts or dresses in a nightclub and that there is no nudity or inappropriate attire worn in the advertisement. The Board considered that the level of exposed skin is very mild and is appropriate for the G rating the advertisement received from CAD. The Board considered that the depiction of a nightclub scene is not inappropriate and not overtly sexualised.

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

