



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0349/10</b>
<b>2</b>	<b>Advertiser</b>	<b>EMAP Australia Pty 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>25/08/2010</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

A woman wearing a low-cut red top is leaning on the counter of a kebab can taking money from a young man wearing a hooded top. She then hands him a huge, oversized kebab and the man and his friend start laughing whilst they appraise it. The man's friend, who is wearing a t-shirt with the words 'Zoo magazine' written on it, says, "That's Zoo!".

A male voice over then describes that week's edition of Zoo magazine as being less than half price and containing editorials on babes in bikinis, and we see the corresponding images from the magazine, all showing women in very little clothing.

### THE COMPLAINT

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

*The advertisement clearly breaches AANA Code of Ethics 2.3 (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 level of provocative nudity on the magazine covers was not acceptable during a PG-rated programme slot and should have been shown at least an hour later during rated M programming (or preferably much later!!!).*

## **THE ADVERTISER'S RESPONSE**

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

*Zoo Weekly is Australia's most successful men's magazine, now selling over 103,000 copies each week. Sport, News, Girls and Gags are topics our target market seek out and are the cornerstones of our editorial direction.*

*Our core audience recognise amusing moments in life and react in certain ways. We've tried to capture this through our latest TV advertisements with Zoo man recognising these moments and remarking, "That's Zoo." We take steps to ensure that all parts of the advertisement including content and the magazine pages that appear are suitable for the rating we are granted. These are included in our liaisons with Commercials Advice Pty Ltd (CAD).*

*All possible steps were made to ensure the advertisement complied with Commercial Television Industry Code of Practice and of the two executions, the kebab execution was classified with a 'PG' rating whilst the Tennis execution was classified with a 'MA' rating. We ensure both ads only appear in the appropriate timeslots for the target market. We can assure you that the Tennis execution is only broadcast after the 8:30pm guidelines and does not run in any G or PG rated programs. Also included in the process, were ongoing liaison with CAD at concept, script and edit stages.*

*In regards to section 2.3, "Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone" and section 2.1, "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of face, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief":*

*The advertising agency engaged with CAD at the script, pre-production & post-production stages, where direction was taken on the visuals and audio to ensure the advertisement was suitable for the relevant viewing times.*

*The advertisement does not portray any persons in an inappropriate manner, and there is absolutely no nudity in this advertisement.*

*We hope that this adds clarification about the intent of the Zoo Weekly advertisement and provides the required background information, please do not hesitate to contact me should you need anything further. I would like to reiterate that every step was taken to ensure this advertisement complied with all required regulations.*

## **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 contains adult sexualized images.

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 advertiser’s response that they have taken steps to ensure that all parts of the advertisement including content and the magazine pages that appear are suitable for the rating, in this instance PG.

The Board noted that the advertisement has a PG rating and that it has only appeared in the relevant timezone. The Board noted that the advertised product is a magazine with a male readership and is also classified as a category that is able to be advertised in general media.

The Board considered that the image of the woman's breasts in the Van in the opening part of the advertisement was not offensive. The Board considered that there was no sexual connotation in this part of the advertisement, with the man exhibiting lust towards the kebab - not the woman. The Board noted that the other images in the advertisement depicted women in bathing suits and underwear and considered that most people would find the images mildly sexual but relevant to the product and not inappropriate for the relevant audience and timezone.

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.