



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0353-21
2. Advertiser :	eHarmony
3. Product :	Professional Service
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	19-Jan-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a couple walking up stairs onto a flat rooftop, where they embrace, kiss and look out into the horizon. A voiceover says that eharmony matches better and can help people find real love.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Illegal and dangerous behaviour and I fear for young people who may imitate this behaviour. Please put them on a beach.

THE ADVERTISER'S RESPONSE

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

We are in receipt of your letter dated 17 December 2021 relating to a complaint sent to Ad Standards in connection with eharmony advertisement(s) on Australian television.



We listed the two relevant advertisements that eharmony has broadcast during the claim period (the “Ads”).

eharmony is committed to ensuring that its advertisements are compliant with the AANA Code of Ethics (the “Code”) and we will be happy to provide any information necessary to Ad Standards to assist in this inquiry. After a review of the viewer complaint and the Code sections that your letter referenced, it is eharmony’s position that none of the Ads violate the Code section raised in the complaint. Each Ad’s content has been reviewed and provided with a CAD rating.

AANA Advertiser Code of Ethics

Pursuant to the instructions in your letter, we addressed (below) the referenced Code sections and their applicability to the Ads and the viewer complaints:

Section 2.1 of the Code states:

Advertising 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 race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

eharmony response: The viewer complaint does not raise any issues that are the subject of Section 2.1 of the Code. Nothing in the Ads depicts material in a way which is discriminatory or vilifies a person or specific community of people.

Section 2.2 of the Code States:

Advertising shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.

eharmony response: The viewer complaint does not raise any issues that are the subject of Section 2.2 of the Code. No Minors or people who appear to be Minors feature in the Ads, and the Ads are not exploitative or degrading of any individual or group of people.

Section 2.3 of the Code states:

Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

eharmony response: The viewer complaint does not raise any issues that are the subject of Section 2.3 of the Code. No violence is portrayed in the Ads.

Section 2.4 of the Code states:

Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.



eharmony response: The viewer complaint does not raise any issues that are the subject of Section 2.4 of the Code. The Ads feature a couple in a romantic and non-sexual setting. There is no nudity in the Ads.

*Section 2.5 of the Code states:
Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

eharmony response: The viewer complaint does not raise any issues that are the subject of Section 2.5 of the Code. There is no strong or obscene language in the Ads.

*Section 2.6 of the Code states:
Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.*

eharmony response: This is the only section of the Code which may apply to the viewer complaint. It is eharmony's belief that the Ads do not feature dangerous or illegal behavior in violation of the Prevailing Community Standards on health and safety. The featured couple walk up to a publicly available rooftop and then are simply sitting there. There is no trespassing nor is there any specific activity in which the couple is engaged which could be described as dangerous or illegal or that we believe would encourage anyone watching to pursue risk-seeking behavior. The Ads are meant to communicate to the viewer that they can find real love on eharmony by showing a couple in love expressing affection. It is eharmony's intent of the advertisement that viewers pursue real, meaningful love rather than mimic any scene or location in the Ads.

*Section 2.7 of the Code states:
Advertising shall be clearly distinguishable as such.*

eharmony response: The viewer complaint does not raise any issues that are the subject of Section 2.7 of the Code. The Ads are clearly distinguishable.

eharmony looks forward to Ad Standards' review of the Ads. I hope the information provided is sufficient to complete your review, and I would be happy to answer any other questions.

THE DETERMINATION

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

The Panel noted the complainant's concerns that the advertisement depicts illegal and dangerous behaviour which may be imitated by young people.



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

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the advertiser's response that they couple are shown to access a publicly available rooftop and the Panel noted that there is no indication that the area is off-limits or that the couple are engaging in illegal behaviour.

The Panel noted a brief scene showing a platform or level below the rooftop and noted that while falling may result in injury, it is not of an excessively high risk. The Panel further noted that the couple are sitting on the edge of the roof rather than standing very close to the edge or teetering dangerously. The Panel considered that the couple do not appear nervous or uncomfortable and they do not appear to be at risk of falling.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

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