



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0357-21
2. Advertiser :	Lifestyle Communities
3. Product :	Real Estate
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\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

A man and a removalist are standing in a home. The removalist whistles and says, "this was not what I expected. Still, can't imagine myself living in one of these places. Laminate, right?". He gestures to the benchtop.

The man responds, "stone, actually. Oh, that can go straight in the butler's pantry."

The removalist says, "Butler's pantry?"

The man responds, "Of course! Our homes are all fully customisable, but they're all pretty swanky." He then says to his wife, "How about some us time in the spa later?"

The couple and the removalist are then shown in the spa. The woman says, "Hope that's your hand, Richard!"

THE COMPLAINT

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

The last bit of the advert has the husband, wife and friend in the spa and she says 'I hope that's your hand Richard' ...

I'm offended as this is a perfect example Of sexual harassment and is demonstrating a standard which is not accepted. It is beyond inappropriate to be displayed in an advert but one played during airtime when youth are watching tv. It needs to be cut, and



adds no value to the product or service being advertised, and while might be funny in a private setting or drama series this is not such a place for this.

It's intended to be a joke, but at the end the 3 characters are in a spa together and the women says, 'I hope that's your hand Daryl (or name of husband). The tradesman smirks to indicate it is his hand. This normalises sexual harassment and sexual abuse as a joke. This is being shown when kids and adults are watching and is just another way to normalise this behaviour.

THE ADVERTISER'S RESPONSE

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

In response to complaints received under Section 2 of the AANA Advertiser Code of Ethics, for consideration at the forthcoming meeting of the Ad Standards Community Panel:

- 2.1 - Discrimination or vilification. Not relevant.*
- 2.2 - Exploitative or degrading. Not relevant.*
- 2.3 – Violence. Not relevant.*
- 2.4 - Sex, sexuality and nudity. Not relevant.*
- 2.5 – Language. Not relevant.*
- 2.6 - Health and Safety. Not relevant.*
- 2.7 - Distinguishable as advertising. Not relevant.*

The intention of this TVC is to illustrate 'move in day'; the third instalment of a series of TVCs chronicling the downsizing journey of a couple who have moved from their family home into one of our communities. Throughout the series, 'Richard' and 'Donna' are portrayed as a warm and loving couple, underpinned by a self-deprecating, dry sense of humour; all inherent characteristics of the Lifestyle Communities brand and consistent with the archetypal Lifestyle Communities customer. The couple have appeared on our screens since February 2021.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement normalises sexual harassment.

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

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.



Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the advertisement does not depict sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the advertisement uses humour suggestive of a woman being touched under the water of a spa, and considered that this was a recognition of sexual matters and that the advertisement did contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the final scene in the advertisement depicts three people in a spa, with the two men being shirtless and the woman wearing a swim top. Although the people are appropriately dressed for the activity the advertisement could be seen to contain partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this television advertisement had been given a P rating by ClearAds meaning the advertisement may be broadcast at any time of day, except during P and C programs or adjacent to P or C programs. The Panel considered that the advertisement could still be played during G rated programming and the relevant audience would therefore be broad and would likely include children.



The Panel considered that the partial nudity shown when the three people are in the spa was consistent with regular swimwear attire. The Panel considered that there were no breasts or genitals visible, and there was no suggestion that the three people were naked under the water. The Panel considered that the partial nudity was not explicit or inappropriate for the relevant broad audience.

The Panel then noted the complainants' concerns relating to the joke made at the end of the advertisement and that this was normalising sexual harassment.

The Panel considered that this moment is meant to be a light-hearted scene relating to the joke that the removalist thought he was being invited to 'us time' in the spa. The Panel noted that it is not resolved whether the woman was being touched by her husband or the removalist, or where she is being touched. The Panel further noted that while the woman makes the comment, she does not look distressed or alarmed and there is no depiction of her being touched inappropriately or without consent.

The Panel acknowledged that the humour used in the advertisement was old-fashioned and that some members of the community may view it as distasteful. However, the Panel considered that the joke was using mild sexual innuendo based on a misunderstanding and was not a depiction of sexual harassment.

The Panel considered that the advertisement contained mild sexual innuendo which was not inappropriate for a broad audience.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.