



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

|   |                            |
|---|----------------------------|
| <b>1. Case Number :</b>                 | <b>0358-21</b>             |
| <b>2. Advertiser :</b>                  | <b>Koala Sleep Pty Ltd</b> |
| <b>3. Product :</b>                     | <b>Retail</b>              |
| <b>4. Type of Advertisement/Media :</b> | <b>TV - On Demand</b>      |
| <b>5. Date of Determination</b>         | <b>19-Jan-2022</b>         |
| <b>6. DETERMINATION :</b>               | <b>Dismissed</b>           |

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This TV on demand advertisement features a couple embracing in a bed. The woman asks, "is that you?" and the shot pans out to show a dog moving in between them.

### THE COMPLAINT

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

*Bestiality is not humorous*

*Because A, the simple fact that there is a humping dog in bed between 2 people makes me want to vomit... B, the fact that the makers think its a good thing to show people when they think about mattresses... C, I have young children that now think it's funny and ok for a dog to try and hump you...*

### THE ADVERTISER'S RESPONSE

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

*We refer to the letters on behalf of Ad Standards dated 20 and 21 December 2021 enclosing complaints (Notification).*



*The Notification relates to an advertisement for Koala's Life Laid Back Campaign (Advertisement) which was published to promote Koala's mattress products on an On Demand TV platform.*

*Koala respects the feedback from the community in relation to the Advertisement and thanks Ad Standards for the opportunity to respond to the Notification. We apologise for any offence that the Advertisement may have caused to the community, as this was not our intention.*

*The Advertisement dramatises the proof point that as Australia's most awarded mattress, even furry friends (dogs or other pets) will enjoy Koala's mattress as much as our customers do. This is represented by footage of two people cuddling in bed, with a dog lying at their feet.*

*In preparing our response to the Notification, Koala has considered the AANA Code of Ethics (Code), the guidance of the AANA Code of Ethics Practice Note (Practice Note) and the approach of the Ads Standards Community Panel (Panel) in its previous determinations.*

*In our view the complaints in the Notification predominately engage section 2.4 of the Code due to their reference to sexual activity. However, Koala strongly rejects that the Advertisement breaches section 2.4 or any other section of the Code, as detailed below.*

#### *2.1 - Discrimination and vilification*

*The Advertisement does not contain any content that discriminates against or vilifies a group of people.*

#### *2.2 - Exploitative or degrading*

*The Advertisement does not contain any exploitative or degrading content.*

#### *2.3 - Violence*

*The Advertisement does not contain any violence.*

#### *2.4 - Sex, sexuality and nudity*

*Section 2.4 of the Code sets out that "Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience." In addition, the Practice Note states that under section 2.4 of the Code, images that are considered harmful and which are not permitted are those which are overtly sexual and inappropriate having regard to the relevant audience. We also note that the Practice Note's interpretation of section 2.4 of the Code is focused primarily on human interaction.*

*The Advertisement does not contain sex, sexuality or nudity portrayed by humans, as the male and female actor in the Advertisement are fully clothed and lying still. The Advertisement also contains a dog playing with a toy between the two actors and a humorous voiceover containing some very mild innuendo which in our view is appropriate for a broad audience.*



*We note that the innuendo referenced by the voiceover “You’re not the only one who wants a piece of the action” is referring to the concept at the heart of the Advertisement, that the dog also wants to enjoy Koala’s award winning mattress.*

*We note the concerns of the complainants that the dog’s actions in playing with the toy could be interpreted as the dog humping the toy. In our view, the dog is depicted as clearly playing with a toy, as evidenced by the squeaking noises that are clearly audible in the scene. The scene depicts the dog from behind only and although it does not expressly suggest that the dog is humping the toy, it is possible that the scene, when combined with the innuendo in the voiceover, can give rise to such an interpretation. However, even if such an interpretation does amount to a sexual depiction, which we do not agree with, the reference is clearly very vague and would not be obvious to any children or younger viewers. We also note that this behaviour by animals generally is considered by the community to be less offensive than overtly sexual acts performed by humans, therefore most adults who view the advertisement are likely to interpret the scene as intended, namely, as a humorous and lighthearted joke.*

*In considering whether the Advertisement is appropriate for a broad audience, in our view as noted above the voiceover contains slight sexual innuendo and is unlikely to be understood by children, and the scene with the dog is also vague in its suggestions. That said, in any case we note that the advertisement was targeted with a “PPL18+” designation on digital media, meaning it was only targeted to an adult audience. On this basis, having regard to the relevant audience of the advertisement, in our view the content of the advertisement treats any sexuality that may be present in the advertisement with sensitivity to the relevant audience, being a primarily adult audience in this case.*

#### *2.5 - Language*

*The Advertisement does not contain any inappropriate language.*

#### *2.6 - Health and safety*

*The Advertisement does not contain content that would breach prevailing community standards regarding health and safety.*

#### *2.7 - Distinguishable*

*The Advertisement explicitly references that it is promoting Koala’s mattress and is distinguishable as advertising.*

*In light of the reasons above, we ask that the Panel dismiss the complaints.*

### **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 complainants' concern that the advertisement features bestiality and a dog humping.

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 between people, and although there is a suggestion the dog may be humping an object, this does not meet the definition of 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 contained a suggestion that a dog was interacting in a sexual manner with an object, and that this is a recognition of sexual matters.

**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 people in the advertisement are fully clothed and the advertisement does not contain 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 was viewed on the Seven+ TV on Demand station, and the placement rules of the advertisement were not known. The Panel noted the advertiser's response that the advertisement was targeted to people over 18, however considered that this may still mean the ad is played during family programming which would include a child audience. The Panel considered that while children may view this advertisement it would most likely be with their parents.

The Panel noted that the dog was seen to be in between the two people and was not interacting directly with them. Further the two people were shown to be fully clothed and not interacting with the dog. The Panel considered that the advertisement did not contain a depiction of bestiality.

The Panel considered that the dog was shown to be interacting with something between the couple. The Panel considered that the squeaking sound effects created the impression that he was interacting with a toy. The Panel considered that the sound effects in combination with the voice-over statement "get in on the action" created the impression that the dog was interacting in a sexual manner with the toy.

The Panel considered that while many members of the community may consider the depiction of a dog 'humping' a toy to be crude, the situation itself is a common occurrence which would be familiar to many people especially dog owners. The Panel considered that the crude innuendo would only be understood by people including children familiar with the behaviour.

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.