



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0366/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Mitre 10</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/09/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - nudity

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement features television personality Scott Cam on a building site talking about a Father's Day promotion. There are two men crouching down working and Scott suggests getting Dad something other than undies. At this point the men's backsides are seen and there is some "bottom crack" shown. The voiceover then describes alternatives for Dad for Father's Day such as a barbeque.

## THE COMPLAINT

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

*The men expose their backsides close up.*

## THE ADVERTISER'S RESPONSE

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

*While we acknowledge the right of all viewers to express their concerns regarding TV commercials, in this instance we fail to see what was offensive.*

*The commercial simply takes what is a common occurrence on building sites across Australia - and on television sitcoms - (i.e. builders bending over, revealing the top of their undies) as a light-hearted way to lead into alternate gift suggestions for Father's Day.*

*I trust this addresses your request for a response to the complaint.*

## **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 concern that the advertisement features inappropriate imagery of men's bottoms.

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

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the advertisement features television personality Scott Cam on a building site talking about a Father's Day promotion. There are two men crouching down working and Scott suggests getting Dad something other than undies. At this point the men's backsides are seen and there is some "bottom crack" shown. The voiceover then describes alternative presents for Father's Day.

The Board noted that the advertisement is for a hardware store and that Scott Cam is well known as a tradesman and host of programs such as 'The Block.'

The Board considered the particular scene in the advertisement where the men are shown revealing some bottom crack.

The Board noted that most members of the community would appreciate the light-hearted nature of showing such imagery and the association with builders and other trades and the occurrence of seeing part of workers' bottoms when their workwear slips down as they crouch or kneel to work.

The Board considered that there is very minimal backside shown and that the scene is fleeting.

The Board considered that the amount of bare skin and bottom shown is not significant and although some viewers may consider it in poor taste, it does not amount to a level of nudity that is considered inappropriate for viewing by a broad audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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