



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0370-20</b>
<b>2. Advertiser :</b>	<b>AVIS</b>
<b>3. Product :</b>	<b>Vehicle</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>16-Dec-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman walking through a jungle. She then walks into a bathroom with a man singing in the shower. The ad closes with the woman passing the man a towel as he steps out of the shower and is shown from behind.

### THE COMPLAINT

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

*#1 its nudity,*

*#2 time of advertismment is when children are watching*

*#3 its completely distasteful, disgusting and inappropriate*

### THE ADVERTISER'S RESPONSE

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



*The advertisement was given a P rating by CAD meaning it is permitted to be played during shows that have received a G rating and was deemed by Channel 9 to be acceptable for the time slot and program in question. Whilst there is a brief image of a partially exposed lower back of the gentleman when he exits the shower, there was no full nudity as alleged at any stage and the advertisement was intended to be light-hearted in nature with no sexual connotations or implications. We do not agree with the complainant that the advertisement is distasteful, disgusting or inappropriate for the following reasons:*

- *It is not sexual or predatory in nature;*
- *It is contextual to the narrative, and within the natural outdoor setting of a bathroom;*
- *The scene is dimly lit to remove focus from the gentleman and instead focus on the hero female talent;*
- *The scene involving the gentleman is very brief; and*
- *The overall tone of the TVC is humorous, not sexual.*

## **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 depicts nudity which is distasteful and inappropriate when children are watching.

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

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."*

#### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the advertisement did contain sex.



### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel considered that the man in the advertisement is naked, however considered that he is getting out of the shower and there is nothing sexualised in his behaviour. The Panel considered that most members of the community would not find the advertisement to contain sexuality.

### **Does the advertisement contain nudity?**

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.

The Panel noted that the man in the advertisement is shown naked through a foggy shower door, and is then shown naked from mid-buttocks up. The Panel considered that the advertisement does contain nudity.

### **Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?**

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel considered that the naked man is shown from mid-buttocks up, and that a small part of his gluteal cleft is visible, as well as his bare back. The Panel considered that the amount of gluteal cleft visible is similar to a 'plumber's crack', and it is at the bottom of the screen and not prominent.

The Panel noted that the advertisement was broadcast on free-to-air television and the audience would be broad and would include children.



The Panel considered that the level of nudity in the advertisement was mild and not inappropriate for the relevant 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 complaint.