



Case Report

1	Case Number	0373/10
2	Advertiser	Madman Entertainment
3	Product	Entertainment
4	Type of Advertisement / media	Internet
5	Date of Determination	08/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A film poster featuring a naked woman/animal hybrid. The form is obviously female, but there is a wing sprouting from under her arm, and what appears to be a tail sticking out behind her. Only part of her head is visible and you can see her breasts although there is some shadowing and the nipples are not clear. The wording says "SPICE She is not supposed to exist".

THE COMPLAINT

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

I thought that this type of nudity was not used for general advertising.

THE ADVERTISER'S RESPONSE

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

The advertising in question targets an intelligent sci-fi film lover. It is a variation on poster artwork created as part of a marketing campaign used recently in the UK and adapted to the

local market. The placement of the online advertising was intended to reach cinema goers that would find the creative artistic and intriguing. Careful attention was made to ensure all features were obscured and create the impression of an alien life-form developed by splicing DNA, which is the main theme of the film. There is the outline of a breast but no nipple is detailed and there is an obvious wing as the central feature to make people aware that this is a sci-fi creature.

The ad was placed free of charge on to the cinema's website as a way to promote up coming releases at their location.

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 concerns that the advertisement features inappropriate nudity.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the advertiser's response that this image is a still from the movie, Splice, which is rated MA.

The Board noted that the advertisement was placed adjacent to the description of the movie and users were required to search thoroughly on the cinema website to find the image. The Board considered that although the image features nudity, it is relevant to the movie being advertised. The Board considered the placement of the advertisement to be appropriate to its content.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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

