



Case Report

1	Case Number	0382/14
2	Advertiser	Amaysim Australia PtyLtd
3	Product	Mobile Phone or SMS
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/09/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is set on a bus and opens to an image of a mobile phone that is out of data and the owner of the phone, a young man, looking bored. The camera then cuts to a couple who are kissing on a bus seat directly in front of the young man. The young man is clearly uncomfortable with such a public display of affection. The female then winks at the young man, mid embrace. At this point, an animated amaysim 'arm' bursts through a grocery bag and stretches toward the young man's phone, delivering a brand new SIM card to the phone. The young man then resumes browsing his phone, ignoring the uncomfortable scene in front of him.

THE COMPLAINT

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

My children don't need to see open mouthed kissing. It is unnecessary and inappropriate.

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 complaints made in connection with the ‘amaysim – Eye Protection’ Advertisement (Advertisement) and thank you for the opportunity to provide a response. We are committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to any such advertising and promotion. Having considered the Advertisement and the complaints, and the requirements of the ANA Code of Ethics (Code), we respectfully submit that the Advertisement does not in any way contravene the Code.

The Advertisement runs for 15 seconds and has received a rating of Parental Guidance (PG) by CAD. In accordance with the rating, the advertisement was only aired during the hours PG advertisements are permitted to be shown, and not during ‘Children’ rating programs or adjacent to ‘PG’ or ‘Children’ rating periods.

The complaint is in relation to the vision of the couple locked in an embrace, “open mouthed” kissing and the potential exposure to children. In total, this vision constitutes approximately six seconds of the advertisement in approximately three short, separate frames.

The purpose of the Advertisement is to promote amaysim’s mobile phone service plans. Children are not the market for this product, and we did not intend to reach them with this advertising. The Advertisement was not aired during children’s viewing time nor was it knowingly placed in between programs aimed at children, in accordance with the above stated CAD requirements.

Further to this, we submit that the image of the couple kissing is not highly sexual in nature. The couple are fully clothed in formal wear, and while the kiss is passionate, it does not convey an inappropriately sexual tone. The tone of the Advertisement is one of humor and awkwardness, using the instance of being in close proximity to a public display of affection to convey that there are some instances when commuters’ really need a mobile plan with a significant data inclusion.

On the basis of the above, we do not consider that the Advertisement contravenes the Code, having regard to Section 2 of the ANA Code of Ethics. We submit that we have met all appropriate community standards and have adhered to all relevant rating requirements as set by CAD.

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 depicts open mouthed kissing which is not appropriate for viewing by children.

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

The Board 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 that the advertisement features an older couple kissing whilst a younger man seated behind them on the bus tries not to watch them.

The Board noted the complainant's concern that open mouthed kissing is not appropriate.

The Board noted that the couple are kissing passionately but considered that they are only kissing, they are fully clothed and there is no suggestion of any further intimacy in a public setting. The Board considered that most members of the community would not find this style of kissing to be of itself inappropriate or overtly sexualised.

The Board noted that the advertisement had been rated 'PG' by CAD and considered the content was not inappropriate in the context of the relevant audience.

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 2.4 of the Code.

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