



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0398/10</b>
<b>2</b>	<b>Advertiser</b>	<b>SBS Corporation</b>
<b>3</b>	<b>Product</b>	<b>Media</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/10/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The one third of a page advertisement appeared in the 20 September issue of The Australian magazine. The advertisement was aimed at Father's Day with the headline DAD. DVD. DONE. It contained 6 DVD covers for sport in the World Cup Highlights, short stories in Erotic Tales and a Danish mystery The Killing. Erotic Tales is classified as an R restriction. The cover of Erotic Tales is a slightly unfocused shot of a woman's torso.

### THE COMPLAINT

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

- (i) Offensive & poor taste to suggest that a restricted DVD be offered as a father's Day gift in a magazine that is viewed by everyone.*
- (ii) Objectification of women as sexual object head obscured.*
- (iii) R rated classified DVD with graphic photo offered for sale in a publication read by diverse age groups.*
- (iv) R rated DVD positioned alongside another DVD entitled 'The Killing'. There is a recognized deleterious association between violence and pornography/sexually explicit portrayal of women that leads to acts of violence and desensitization towards acts of violence towards women.*

## **THE ADVERTISER'S RESPONSE**

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

*The complaint, which has already been responded to, refers to*

*- "offensive and poor taste to suggest a restricted DVD be offered as a Fathers Day gift" - that is a matter of opinion and as we have received only one complaint and the Australian magazine has a readership of over 500,000 an opinion that does not necessarily reflect the general community.*

*- "Objectification of women as a sexual object". Again very much a personal opinion.*

*- "R rated DVD offered for sale in a publication read by diverse age groups". I suggest the demographics of the Australian magazine is generally older people. We do however take on board the criticism and will be more aware of our advertisement placement in future. For example our next advertising campaign for Erotica 2 will be on Pay TV and edited as an MA promotion so will not appear until after a certain hour. Please note however this program series has run on free to air television late on a Friday night where anyone of any age could have viewed it.*

*- "There is a recognised deleterious association between violence and pornography..." I would like to see the source for this assumption. "The Killing" is an international Emmy Award winning mystery/thriller series and by putting the covers near each other and claim an association is drawing a long bow.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

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

The Board noted the complainant's concerns that the advertisement is offensive in its suggestion of an R rated movie as a Father's Day gift, features an image of a woman which objectifies her, can be viewed by children, and has images of violence and pornography adjacent to one another.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states: 'Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised'.

The Board noted that the issue of promoting an R rated DVD as a Father's Day gift is not an issue which falls under the provisions of the Code.

The Board noted the advertiser's response that the advertisement appeared in The Australian magazine which is not a publication targeted at children. The Board noted that of the six

DVD covers featured in the advertisement, four of them related to sports, one was for 'The Killing' (an MA rated thriller) and one was for 'Erotic Tales' (R rated).

The Board noted that the cover of 'The Killing' DVD featured an image of three people, and that there is no suggestion of violence in this image. The Board noted that the complainant believed the juxtaposition of this DVD and the 'Erotic Tales' DVD was inappropriate. The Board considered that most members of the community would not consider this placement to be suggestive of a link between pornography and violence. The Board noted that other than the title of the DVD, there was no reference to violence and determined that the advertisement did not breach section 2.2 of the Code.

The Board then 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 that the image on the Erotic Tales DVD featured an out of focus shot of a woman's naked torso, and that her breasts are visible. The Board noted that the complainant believed this image to objectify women as the woman's head is not visible. The Board considered that in this instance the image related to the name and theme of the DVD and that the image was small and blurred.

The Board noted that the advertisement was placed in a publication aimed at adult readers, and determined that in this instance, the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.3 of the Code.

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