



Case Report

1	Case Number	0401/10
2	Advertiser	Channel Nine Go
3	Product	Media
4	Type of Advertisement / media	Poster
5	Date of Determination	27/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of a woman from her shoulders up, and the heads of two men. We cannot see any clothing on the woman, and she has her neck stretched so that her head is tilted back. Her eyes are wide open and she is staring in to the distance.

One of the men appears to be licking her neck, the other man has his mouth open but is not touching the woman, or the other man.

In the top left of the poster it says: "The Vampire Diaries season 2 Love Ssucks" and at the bottom right it says: "Go! Mon 8.30 Aussie first".

THE COMPLAINT

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

The advertisement located in very public places (e.g. public transport bus shelters) and viewed by people of all ages including young children shows two men about to violate a woman. The tone of the ad is predatory and shows a woman about to be physically attacked. I am very concerned and disturbed by the messages contained in this image and slogan. A friend's child aged 5 yesterday asked his mum what the men in the image were doing to the woman.

I am a school teacher and in my professional capacity believe the content to be disturbing especially for young minds. Any commercial advertising that suggests violence against women should be not be acceptable.

This advertisement is portraying a group sex situation and is totally inappropriate for young children to be seeing as if this is a normal thing and an acceptable behaviour. The particular bus shelter that I am complaining about is less than 6 feet from the entrance to the church which I attend with my grandchildren who are aged 6 5 3 and 2. They walk past the poster to go to their Sunday School. I am SICK of them being bombarded with sexualised images. The advertisement objectifies women as the victim of violence and the attitude of the men and the pose of the woman have a very sexual aspect to them. There is no conclusion you can reach when viewing this picture but that the woman is about to be attacked either violently or sexually (or both) by these two men. It sickens me that women are portrayed like this. I do not find it appropriate that children will see this. We must protect the innocence of young children. If there are going to be program classifications on TV with certain programs that are shown later at night so children will not see there needs to also be censorship on outdoor advertising.

This picture is not appropriate for display in a public place and certainly not in a railway station where men women and children (many school aged children use this train station) are forced to see it every day.

I don't know about similar advertisements in other railway stations but this is the advertisement that I walk past every day at my home railway station.

I am appalled that such sexually offensive advertising material is displayed in a public place. This is material that would be banned from any work place yet it has been put on display in a public place.

It is degrading of women and portrays blood sucking as acceptable or approved. It is offensive to men women and all human beings.

I find this offensive because it's highly sexualised and I don't want my children exposed to it. This advertisement has a particularly graphic image and is blatantly sexual in nature. It is highly inappropriate to be putting such a poster in such a public space on the footpath in bus stops where individuals little children and families walk past especially since the location of this poster is outside of a McDonalds Restaurant which is supposed to be family restaurant. I am sick of the use of sexual images in the media and advertising being used without any form of r. I find it highly offensive and makes me really uncomfortable so that I can't wait to get past it quick enough.

The imagery in this advertisement depicts a highly sexualised context and is utterly inappropriate as an outdoor billboard. No matter how carefully the advertiser has tried to pass this ad as acceptable it does not take away from the fact of what they are depicting in this ad and what the situation of the three persons in the advertisement is. What I mean to say is that there is no way that the image can be construed as anything other than a sexual interplay between the three characters.

I believe this advertisement is highly inappropriate for the outdoor setting where anyone can view it - especially children who developmentally are too young to be able to process this level of sexualisation - and contributes to the damaging visual environment that they are exposed to. This is exacerbated by the sheer coverage of this advertisement - you can see it everywhere you go in Sydney and I shudder to think of how we as adults continue to fail in protecting children in environments that they cannot be sheltered from. It is all well and good to schedule TV advertisements for certain timeslots and have classifications for programs but it is another to have no standards for the outdoor advertising we see.

I object to the picture and words "Vampire Diaries Love Sucks". Whether or not it applies to the TV programme it is not the sort of picture that we want outside our property at church or want our children to be looking at and reading.

1. Unhealthy depiction of women

2. *Inhuman unnatural and unacceptable for human standard*

3. *Promoting violence*

(1) *It looks like soft porn (depicting a threesome) - highly inappropriate for a public space like a bus shelter*

(2) *It depicts a woman in a vulnerable highly sexualised position providing what I consider to be a highly negative and harmful depiction of gender relations and a woman's place in society (as a sex object).*

THE ADVERTISER'S RESPONSE

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

I write in relation to your correspondence of 13 September 2010 in relation to a complaint received by Advertising Standards Bureau in relation to an advertisement promoting a program broadcast on GO! ('Nine'), "The Vampire Diaries" (the 'Advertisement').

You have asked Nine to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics (the 'Code') or other Codes incorporated in it, such as the AANA Code for Advertising to Children. Nine is happy to respond to your request.

At the outset, Nine maintains that having regard to the imagery and theme of the Advertisement and considering the Advertisement is for a program classified M, Nine maintains the Advertisement is clearly not "primarily directed at children" within the meaning of 2.4 of the Code. Consequently, in Nine's view, the Code of Advertising to Children does not apply.

Nine considers therefore that the only parts of the Code that are potentially relevant to the Advertisement are section 2.2 and 2.3. Section 2.2 provides: "Advertisements or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised"

Section 2.3, provides: "Advertisements or Marketing Communications shall treat sex, sexuality and nudity with sensitivity and, where appropriate, the relevant programme time zone"

Description of the Advertisement and the Program

The image used in the Advertisement is one of the official promotional graphics for the second series of The Vampire Diaries. The Program depicts the story of two vampire brothers obsessed with the same beautiful girl, and who are battling to control the fate of their town, Mystic Falls. In the Advertisement, the brothers are shown standing over a female who, in some iterations, is seen to be fully clothed. One of the brothers is depicted as kissing the neck of the female while the other is not shown making contact with the woman. The Advertisement contains the words "love sucks".

Compliance with Clause 2.2

Nine submits that the image in the Advertisement has a low visual impact in relation to violence. Nine notes there is no actual depiction of violence or strong sense of menace as is clear from the woman's expression, as she shows no signs of concern or distress, nor is there any depiction of vampire fangs suggesting she is in danger of imminent attack. Nine believes that the depiction in the Advertisement is justified by the context of the program and is in accordance with clause 2.2 of the Code. Compliance with Clause 2.3

To the extent the Advertisement contains a depiction of sexual activity, Nine believes the image is again low in impact. In Case Report 48/09, the Advertising Standards Bureau determined that a series of bus shelter advertisements depicting a couple kissing in a pool with the text “a nasty piece of work” and a couple lying in a bed with the words “mind blowingly inappropriate”, while sexually suggestive, were not explicit sexual references. Nine submits that the image in the Advertisement is comparable.

As stated above, in some iterations of the Advertisement, the woman is seen to be wearing a dress. Nine also maintains that it cannot be inferred from the image that there is any intercourse and to the extent there is any suggestion of nudity, it is low in impact and contains no detail or breast nudity.

On this basis Nine maintains that the Advertisement is not in breach of the Code.

Nine notes that the advertisement has since been withdrawn and Nine has no plans to re-introduce the campaign in the future.

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 complainants’ concerns that the advertisement is suggestive of violence against women, portrays group sex, features a sexualised image and is inappropriate for display outdoors.

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 this advertisement for a television series features a close up of the heads of two men and one woman, accompanied by the text “The Vampire Diaries. Love sucks.”

The Board noted the advertiser’s response that there is no actual depiction of violence in the image. The Board noted that the woman in the advertisement does not appear unhappy with the situation she is in, and that although the accompanying text mentions vampires, there are no fangs and no images of blood in the advertisement.

The Board considered that the image was relevant to the product, and that the suggestion of violence in the advertisement is not of non consensual sex but of vampire activity and, as it is relevant to the product, does 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 some complainants believed the image portrayed group sex. The Board noted that one of the men has his lips against the woman's throat, whilst the other man looks on. The Board considered that this image is sexualised however it is relevant to the product being advertised and the sexual nature of the pose is minimized by the vampire context of the advertisement. The majority of the Board considered that most members of the community would consider the image to relate to the vampire theme of the television show being advertised, and not to a group sex situation. on this basis the Board determined that the advertisement does treat sex, sexuality and nudity with sensitivity to the relevant audience and does 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.