



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0409/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Energy Watch</b>
<b>3</b>	<b>Product</b>	<b>House goods/services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>9/11/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The founder of Energy Watch presenting key information relative to the operation of the business and its success with customers. An actual testimonial was used to present the potential savings of their specific circumstance. The advertisement then concludes with the founder urging consumers to check if their power company has something to hide and to contact EnergyWatch.

### THE COMPLAINT

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

*I believe advertisers should be role models and produce adverts of quality and appeal to consumers. This current advert does nothing to entice the viewer to contact his company. It is too smutty.*

*The final shot of a man in his underpants is offensive. His shirt does cover a lot of his crotch but when he pumps his fist into the air his shirt lifts the viewer can clearly see his crotch jiggle. I find this image crude and unnecessary. I want to point out that this has nothing to do with the fact that the man is average looking and middle aged (i.e. not a model). I would be offended if I saw any man on television with his private parts wobbling in underwear.*

*The camera angle widens as he lifts his shoulders so he can show off his one pride and joy (the bulge in his jocks) EWWWWWWW! Please take this off the air as really it is so crass and unworthy of being aired. What does that have to do with energy companies? I am a gay man and even that shows how low people will go to try and grab your attention considering the*

*last add was the one with the foreign looking chap door knocking to get the home owner to sign up! Maybe this needs to be highlighted as racial vilification as well. If he is the head of the company well it is disgusting!*

*I do not want my children to see this sort of advert. My wife and I find it offensive. Please remove it from the TV.*

## **THE ADVERTISER'S RESPONSE**

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

*EnergyWatch adhere to section 2.3 of the AANA Code of Ethics as the representative of EnergyWatch is clothed in a manner to cover the areas which may be identified as a breach of this section. The removal of the pants is in line with the "Nothing to hide" theme, precautions were taken to only display the legs of the representative with the intention of humour.*

*Considering people wear swimmers and no other clothing on many other advertisements, as well as beaches and pools every day, we do not see this as an issue.*

## **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 complainants' concerns that the advertisement is offensive in its portrayal of a man in his underpants.

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 that the advertisement features the founder of Energy Watch viewed from the waist up talking about the savings his company can get you on your power bill and that when he says, "Does your power company have something to hide?" the camera pans down and we see that he is not wearing pants. The Board considered that this image is relevant to the message the founder of Energy Watch is trying to make and noted that his underpants fully cover his bottom and genitals.

The Board considered that most members of the community would not find a depiction of a man in his underpants and a shirt to be an image which is offensive or inappropriate and would be likely to see the advertisement, as intended, as a humorous play on words. The Board noted that there are no sexual references made in the advertisement.

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.