



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0411/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Coopers Brewery Ltd</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</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
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

We open on black and white line animation of a suburban house.

We cut to DIY Dennis banging a nail into a wall. He then hangs a painting on the nail. The painting is also a line animation and depicts a nude female figure viewed from behind.

The camera zooms back to show the man admiring his work when the painting falls creating a massive hole in the wall revealing a shocked woman showering in the bathroom who quickly covers herself.

Cut to orange screen with Coopers DIY Beer branding.

We then see DIY Dennis chatting to his next door neighbour through the hole in the wall holding his beer when his wife interrupts the conversation.

### THE COMPLAINT

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

*I feel that this advertisement sexually objectifies women and advocates voyeurism.*

*Not only did it suggest that a man is free to 'take advantage' of an unforeseen situation by continuing to watch a woman naked in a private act but it also then led to suggest a woman would accept & appreciate this act of voyeurism.*

*In addition to suggesting that voyeuristic behaviour towards women and/or the actions of a 'peeping tom' are acceptable, funny and enjoyable, it also communicates that a woman*

*subjected to this behaviour would approve of such objectification AND reward the voyeur with their time & attention.*

*I took great offense to the Coopers DIY Ale commercial and object to it airing at ANY time on commercial television.*

## **THE ADVERTISER'S RESPONSE**

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

### *Background*

*The advertisement was one of a series of five (5) animations as part of a wider campaign for Coopers 'DIY Beer', which each feature the male cartoon character 'Dennis' failing in his attempts to perform simple handyman tasks around the home. The premise of campaign is that making home-brewed beer is easy in comparison to do-it-yourself home projects. The suite of advertisements are all intended to be light-hearted, playful and humorous.*

*We advise that this particular animation 'Coopers DIY Dennis – Art' (the "advertisement") was prevetted and approved as part of the Alcohol Advertising Pre-Vetting Scheme (10962).*

*We consider that this should be given significant weight when assessing the advertisement. In our view, in order to maintain credibility in the self-regulation system, consistency is essential between the industry body that provides pre-approval on an advertisement and related industry bodies that later review that advertisement following a complaint.*

### *Response*

*We advise that Coopers did not intend the advertisement to be overtly sexual or offensive and we do not consider that reasonable members of the public would view it as such. The intention of the advertisement was to generate consumer engagement with the brand in a playful and humorous manner. The advertisement uses a cheeky, fun tone, in accordance with Coopers' usual style of advertising, which is well-known and largely appreciated by viewers. The premise of the advertisement is that making home-brewed beer is simple and easy in comparison to hanging a painting.*

*In the advertisement, Dennis' failed attempt at hanging a painting leads to the unplanned exposure of his neighbour's house, which by accident happens to be the bathroom where his female neighbour is showering. A reasonable member of the public would appreciate that Dennis and the female neighbour know each other reasonably well (as they share a common wall) and would clearly understand that both characters are surprised by the collapse of the wall but ultimately decide to laugh about the situation.*

*We completely disagree that the advertisement "sexually objectifies women" or "advocates voyeurism" as it depicts a humorous, fictional situation, where the reveal of the woman is accidental and not intentional (there was no deliberate act of a 'Peeping Tom' or voyeurism), and in no way depicts the female neighbour in a demeaning or sexualised manner. There is also a playful irony in the fact that the pose of the woman in the painting (which is reminiscent of classic nude drawings) mirrors the pose of the female neighbour. Reasonable members of the community would recognise that the advertisement is a cartoon and any stylised imagery of the female body is in good taste, at all times preserving modesty appropriately. If the Board does consider that the advertisement carries some sexual overtones, we draw to the attention of the Board its comments in its determination for*

*complaint 123/10 where the Board noted that “sexually suggestive material can be more mild in impact when in a cartoon context”. The cartoon is quite clearly exaggerated and intended to be humorous.*

*We do not consider that the advertisement is in breach of the AANA Advertiser Code of Ethics (Code), and in particular, Section 2.1 and 2.3 of the Code. The advertisement in no way discriminates or vilifies women and in no way fails to treat sex or sexuality sensitively. There is no reference at all to sex in the advertisement.*

*We also note that there has only been one complaint made in relation to the advertisement and the public response to the advertisement to date has been overwhelmingly positive.*

*Based on the above, we respectfully submit that the advertisement complies with Code. We also consider that the advertisement complies with the Alcohol Beverages Advertising Code, particularly the clauses relating to sexuality, since nothing in the advertisement suggests that the consumption of alcohol would contribute to sexual success. We also consider that the advertisement complies with the AANA Food & Beverages Marketing and Communications Code.*

*Coopers regrets if any members of the public were offended by the advertisement and would like to take this opportunity to assure the Board and the public that this was never our intention.*

*We appreciate the opportunity to respond to this complaint and sincerely hope that the Board reviews the advertisement positively having regard to the points raised above.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that this advertisement sexually objectifies women, features nudity and advocates voyeurism.

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

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement is animated and shows a man trying to hang a picture of a naked woman on the wall but he ends up creating a hole in the wall instead which shows a woman in the shower in a scene mirroring that of the picture he was trying to hang.

The Board considered that the depiction of an animated woman in a shower and then chatting to a neighbour is not suggesting that women encourage voyeurism. The Board considered that the advertisement does not objectify, discriminate or vilify women.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: ‘...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 consists of animated line drawings and that whilst it is clear the woman in the picture and the woman in the shower are both supposed to be naked, the Board considered the level of detail to be very basic and unlikely to cause offence to most members of the community.

The Board considered that the animated theme of the advertisement coupled with the upbeat music gave it a fun, un-real setting, and that the woman in the painting and the woman in the shower were not presented in a sexual manner, and there was no suggestion of sexual activity.

The Board noted that the advertisement had been rated L by CAD which means it is can only be shown between 8.30pm and 5am, between 12 noon and 3pm on school days and as an accompaniment to the live broadcast of a sporting event on weekends and public holidays.

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.

The Board then considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainant’s concerns that the advertisement encourages voyeurism. The Board noted that the reason the man was able to see his female neighbour in the shower was because he had unintentionally made a hole in the wall whilst trying to hang a picture. The Board considered that the man was not trying to spy on his neighbour and that the advertisement does not condone or encourage spying or voyeurism.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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

