



Case Report

1	Case Number	0411/16
2	Advertiser	Fairfax Media
3	Product	Professional Service
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	12/10/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

In this advertisement we observe a range of different couples in ordinary second / third / fourth date scenarios. Within each scenario, we reveal an unexpected, positive character trait in one of the individuals, before focusing on the funny moment as the other person processes it and thinks, 'this one's keeper'. This is set to Handel's 'Hallelujah Chorus', with slow motion used to dial up the humour and make each situation feel more extraordinary.

In the third scenario (of a total of three), the audience view a living room where a couple in their 30s are in close contact, looking lovingly at each other on the couch. The male momentarily pulls away and disappears out of frame as we focus on the female engrossed in her moment. She looks very relaxed and happy — and as the music crescendos, it's revealed that the male has moved on to giving her an incredible foot massage. In all three scenarios, the extended focus is on the partner who is experiencing the joy of "finding a keeper".

THE COMPLAINT

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

- a) *Use of Handel's Messiah, and the 'Hallelujah' chorus meaning "praise to God"*
- b) *The final scene in which a man is shown disappearing beneath a woman's legs, suggesting*

oral sex, highly suggestive until it is belatedly corrected.

THE ADVERTISER'S RESPONSE

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

Response to Complaint

Thank you for advising us of the complaint received about our latest RSVP "Find a Keeper" TV commercial.

RSVP is Australia's leading and most trusted online dating site and over its 19-year history has helped more than four million Australians meet other singles.

Our latest campaign for RSVP captures the magic moments when singles realise they've found a keeper. It continues to promote the brand's position as Australia's leading online dating website in a fun way that will resonate with Australians who have experienced, or want to experience, that moment. This campaign continues to drive RSVP's point of difference, finding quality dates. It reinforces the strength of our product and allows us to focus on celebrating dating success.

The brand tone is witty, confident and playful. The aim of this brief is to evolve the message from our original "Find a Keeper" ads on the 2015 campaign, and build confidence that putting your profile on RSVP will result in meeting people you connect with.

When you meet people and date through RSVP you know there will be common matches in interests, but it's only once you have had the second or third date that you realise all those points of interest add up to someone who might just be a keeper. It's that moment that makes you think "Hallelujah!"

We reject the claim that the TV commercial is in breach of section 2.1 of the AANA Code of Ethics, i.e. that the use of Handel's Messiah is discriminatory or vilifies on the base of religion. The context of the music track is complementary to the suggestion of relief and joy of "finding a keeper".

We reject the claim that the TV commercial is in breach of section 2.4 of the AANA Code of Ethics. We reject the claim that the "man is shown disappearing beneath a woman's legs, suggesting oral sex, highly suggestive until it is belatedly corrected". The script and storyboard (attached), clearly indicate that the man moves out of frame and it is revealed that he is treating her to a foot massage.

This commercial was given a "W" rating by CAD and our media placement is in accordance with the spirit of that classification.

We do not believe that this commercial offends community standards, nor violate any section of the Code. This view is further reinforced by the reaction of media who have seen and extensively reported on, broadcast and generated discussion on this year's commercial as editorial. Some media monitoring clippings that have included this word are attached for

your reference. We therefore respectfully request that the Board dismiss the complaint.

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 suggests a woman is receiving oral sex and uses a religious song which is offensive and inappropriate.

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

The Board 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this television advertisement depicts people who realise that the person they have met via the RSVP dating service is ‘a keeper’.

The Board noted the complainants’ concerns over the use of religious music in an advertisement for a dating service. The Board noted it had previously dismissed similar complaints about the use of Handel’s ‘Hallelujah Chorus’ in case 0493/12 where:

“The Board noted the complainants’ concerns regarding the use of religious music to promote financial transactions and considered that Handel’s music is in the public domain and is not owned by any religious group. The Board noted the close association of this particular composition with the Christian faith and recognised that some members of the community would find its use in this context inappropriate. However the Board considered that the use of the music in this advertisement is in the context of encouraging an element of donation and is overall positive and not vilifying of religious beliefs.”

In the current advertisement the Board noted the theme is people coming to the realisation that the person they are dating is perfect for them and considered that, consistent with its previous determination in case 0493/12, the use of a religious song, which is in the public domain, to promote a dating service where people can meet their perfect partner is not vilifying of religious beliefs. The Board also noted that in modern English, ‘Hallelujah’ is frequently spoken to express happiness that a thing hoped or waited for has happened, without any religious significance.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of religion.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then 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 the complainant's concerns that the scene where a man disappears beneath a woman's legs is suggestive of the man performing a sexual act on the woman.

The Board noted that when the man lowers himself under the woman we see the woman looking happy and considered that while this scene could be interpreted by some adults in a sexually suggestive manner in the Board's view the man and woman are both clothed and the camera soon reveals that the man is massaging the woman's feet.

The Board noted the advertisement had been rated 'W' by CAD which means it would be viewed by children and considered that the level of sexual suggestion in the advertisement is very mild and is very unlikely to be understood by children.

Overall, the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement 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.