



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0414-19
2. Advertiser :	Viacom International Media Networks ANZ
3. Product :	Entertainment
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement is for the TV show "The Veronicas: Blood Is For Life". It depicts one woman with her back to the camera and the TV show logo on her back, with another woman embracing her.

THE COMPLAINT

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

*This is a pornographic and lesbian imaged directly exposed to innocent children passing by, outrageous!! I am a person of faith and have many friends around me who are also outraged that such a morally corrupt bill board could be displayed at a public train station paid for by the tax payers. The image is loaded with explicitly sexual suggestions that promotes lesbianism and sexual depravity. The last time I checked, the billboard at Rockdale station (where I live) has been removed. But all advertisements should be removed from train stations ASAP because we are forcing people and children to see disgusting porn!
I wish to hear from your response and please act quickly for the sake of our children whose minds are violated every time they see such an image.
Please act!*



THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 2 December 2019 with complaint reference number 0414-19 (the Complaint) in regards to the MTV The Veronicas Train Station Billboard (the Ad) created and placed by VIMN Australia Pty Limited (VIMN) and viewed by the complainant at various train stations throughout Sydney NSW (Location) over two (2) – three (3) weeks culminating in a complaint to Advertising Standards on 26 November 2019. The text of the Complaint is included as Annexure B.

Screenshots of the Ad have been attached as Annexure A to this Complaint response, and diagrams referenced throughout.

Description of the Ad

The advertisement is to promote a locally-made MTV reality television program – The Veronicas: Blood is for Life (Program). The Program follows the story of identical twin sisters Lisa and Jess Origliasso, both of whom are well-known to and recognizable amongst Australian audiences. The Program focuses on the story of the sisters rebuilding their relationship after a period of estrangement; hence the creative aims to visually represent the closeness of their relationship and the unbreakable nature of their bond.

The Ad was on train station billboards, buses and trams throughout Sydney and Melbourne from 27 October 2019 – 23 November 2019 via JCDecaux.

Response to the Complaint, taking into account the AANA Advertising Code of Ethics: VIMN understands the essence of the Complaint is Section 2.4 of the AANA Advertising Code of Ethics (the Code) being Sex, Sexuality & Nudity, and our response focusses on this section. VIMN does not believe the Ad includes content requiring consideration under any other sections of the Code, being:

- 2.1 Discrimination or vilification;*
- 2.2 Exploitative or degrading;*
- 2.3 Violence;*
- 2.5 Language;*
- 2.6 Health and Safety;*
- 2.7 Distinguishable Advertising;*

2.4 Sex, Sexuality and Nudity

Section 2.4 of the Code requires “advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Ad, when viewed holistically, does not depict anything overtly sexual and no nudity is evident. Both subjects in the photograph are wearing clothing in the photo shoots – specifically tops and jeans; neither is nude. For the particular photo in



question, both women are depicted wearing white clothing clearly visible to the public. The faces of the subjects – Jess and Lisa Origliasso – together with a large representation of their stage name - The Veronicas – make it clear to the target audience (18 – 35 year olds) that the two women featured are sisters; hence the context of their physical closeness is one of sisterly love. There is no kissing, no sexualised body part visible, and the only touching pictured is of one sister hugging the other’s shoulder. The main subject’s gaze is commanding but neutral and poised, and not sexual in tone or nature.

The relevant audience for JCDecaux advertising is the general public and is G rated. It was approved under the acceptable advertising intake for the October - November 2019 period and APN Outdoor (prior to being part of JCDecaux) has not accepted content previously from VIMN brands due to it being non-G rated. As a specific example of a train station under the complaint, the demographic profile of the Rockdale train station is depicted below (as provided by JCDecaux). As one can see, 83.2% of the visitors to the station are over the age of 18. Visitors are most likely to be aged between 25 and 39 years old.

Accordingly, it is VIMN’s opinion that the theme of sex, sexuality and nudity is not applicable and has been treated with sensitivity to the relevant audience.

The Code and accompanying AANA Advertising Code of Ethics Practice Note (Practice Note) does not provide a precise definition for Prevailing Community Standards, but the Panel indicates it will have regard to those standards at the relevant time of the advertising, along with any research by the ASB.

To specifically address the Complaint in relation to the Code and Practice Note:

(1) Sex, sexuality and nudity with sensitivity to the relevant audience and reference to Prevailing Community Standards

The complainant states,

- "This is a pornographic and lesbian imaged directly exposed to innocent children passing by, outrageous!! "

VIMN strongly denies that this is a pornographic and lesbian image. The Veronicas are sisters, well-known in Australian popular culture. There is nothing sexual transpiring in the Ad, rather, the Ad promotes family bonds and shared ties, sisterly connection and the strength of their relationship against challenges and adversity, which the Program additionally aims to depict.

VIMN acknowledges from the Practice Notes, Ad Standards take into consideration not only the Relevant Audience (which would be the general public, including the MTV audience and the demographic from 25 - 39 years old and above – many of which are commuters) but also a broader audience nature due to the public positioning, which may include Minors. Minors viewing the Ad would not have context for the Program



and a reasonable child may not in fact comprehend the content, other than to see two clothed women hugging. VIMN understands the Community Panel considers not only the target audience but who can see it and uses this information to determine a view of whether the Ad treats sex, sexuality and nudity with sensitivity to the audience. Nonetheless, VIMN is of the view the Ad content does treat sex, sexuality and nudity with sensitivity to the general public as nothing explicitly sexual is mentioned, no sexual images are included, no nudity, genitalia or pornography is displayed, nothing suggestive and inappropriate to the general public is demonstrated, images that are relevant to the discussion are used to enhance the celebrity news and to fundamentally promote the Program. The Practice Notes do state a discreet portrayal of nudity and sexuality in an appropriate context is generally permitted and care has been taken here in outdoor media to ensure it entertains and does not offend.

- "I am a person of faith and have many friends around me who are also outraged that such a morally corrupt bill board could be displayed at a public train station paid for by the tax payers."

VIMN strongly denies the Ad constitutes a 'morally corrupt billboard'. As stated, the Ad demonstrates familial ties and relationships, which is intrinsically positive, ethical and authentic.

- "The image is loaded with explicitly sexual suggestions that promotes lesbianism and sexual depravity."

VIMN strongly denies the Ad is loaded with explicitly sexual suggestions that promotes lesbianism and sexual depravity. There are no sexual scenes whatsoever lending itself to sexual immorality or homosexuality. As stated, the Ad focusses on a sisterly relationship and the closeness of their bond.

- "All advertisements should be removed from train stations ASAP because we are forcing people and children to see disgusting porn!"

VIMN strongly denies that the Ad forces society, including children, to see disgusting pornographic imagery. As stated, there are no pornographic or sexual scenes in the Ad which would be likely to offend societal norms and expectations. Accordingly, VIMN is not of the belief that it is required to take down the Ad from train stations for a contravention of the Code.

While VIMN does not consider the Ad raises Code concerns, VIMN highly values feedback and intends to monitor similar complaints in future to ensure advertisements and content is not unpleasant to a substantial percentage of the community. VIMN can confirm no other complaints have been received for the Ad.

We hope the above provides sufficient detail. In the event you require further information or clarification, please don't hesitate to contact us.



THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement is pornographic and promotes lesbianism and sexual depravity.

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

The Panel first considered the complaint that the advertisement depicts or promotes lesbianism. The Panel considered that homosexuality is not of itself an issue under the Code, and the Panel could not adjudicate on this aspect of the complaint.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the depiction of two women embracing is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement as a whole did not contain sex.

The Panel then considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.



The Panel considered that the advertisement is promoting a television program featuring the musical group The Veronicas, who are twin sisters. The Panel noted that their relationship is not made clear in the advertisement, but considered that many members of the community are familiar with The Veronicas as an Australian musical group and are aware that they are related.

The Panel however acknowledged that not everyone would be aware of this relationship, and considered the content of the advertisement. The Panel noted that the advertisement depicts two women embracing, and that they are depicted from mid-torso upwards. The Panel considered that the embrace is not sexual, but rather is indicative of a friendship between two women. The Panel considered that the women are clothed, and that their expressions are not overtly sexual.

Overall the Panel considered that the advertisement did not depict sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.

The Panel noted that the women are clothed in the advertisement, but noted that one woman has a mostly exposed back. The Panel noted that the woman is wearing clothing however and that it is visible in the advertisement. The Panel considered that most members of the community would not consider the advertisement to contain nudity.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach Section 2.4 of the Code, the Panel dismissed the complaint.