



# Case Report

1	Case Number	0430/16
2	Advertiser	Stan
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/10/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features clips from the various programs available to watch on Stan and include Unreal, Power, and Billions. The male voice over says, "Be the first to taste power, sex, money and revenge" and the final screen shot shows the Stan logo with the offer of a free trial.

## THE COMPLAINT

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

*The advert was for shows on Stan such as Unreal (rated MA15+) and very clearly both verbally and visually referenced sex. All the shows referenced in the Stan advert were highly inappropriate for the age group targeted by the shows on 9Go at this time of the afternoon which is all G and PG.*

## 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 and subsequent correspondence between us regarding the abovementioned complaint in respect of one of Stan's advertisements ("Advertisement").*

### *Facts relating to the Advertisement*

*The Advertisement ran on 30 September 2016 during Yu-Gi-Oh (rated PG) on Channel Nine's "Go!" channel.*

*The Advertisement is part of Stan's latest marketing campaign designed to showcase the breadth of content available on the Stan service and to better inform individuals who are considering subscribing to the Stan service.*

*The Advertisement's CAD number is P3I9GMPA and the CAD rating for the Advertisement is 'P'.*

### *AANA Advertiser Code of Ethics (Code)*

*We have reviewed the relevant sections of the Code and also the information and guidance provided on [adstandards.com.au](http://adstandards.com.au) in relation to responding to complaints.*

*In our view, the Advertisement complies in all relevant respects with the AANA Code of Ethics ("Code"), and is in step with Prevailing Community Standards.*

*We address each element of section 2 of the Code below:*

#### *Discrimination or vilification (s2.1)*

*The Advertisement does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

#### *Sexual appeal (s2.2)*

*The Advertisement does not use sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

#### *Violence (s2.3)*

*The Advertisement does not present or portray violence.*

#### *Sex, sexuality and nudity (s2.4)*

*The Advertisement contains two brief and discreet clips of a sexual nature.*

*These portrayals are directly relevant to some of the programming being advertised on the Stan service, and are peripheral to the overriding tone of the Advertisement (which is not a tone of overt sexuality).*

*The Advertisement contains no nudity with the exception of one image of a woman wearing a bikini which is again relevant to some of the programming being advertised.*

*Based on the foregoing and taking into account the AANA Code of Ethics – Practice Note, we are strongly of the view that the Advertisement treats sex, sexuality and nudity with a sensitivity to the relevant audience.*

*The Advertisement was rated 'P' by CAD and the Advertisement was run in an appropriate timeslot.*

*Obscene language (s2.5)*

*The Advertisement does not include strong or obscene language.*

*Health and Safety (s2.6)*

*The Advertisement does not contain any material which, in our view, is contrary to Prevailing Community Standards on health and safety (including as detailed in AANA Code of Ethics Practice Note), nor does the Advertisement depict any dangerous behaviour which is likely to be imitated by children.*

*Stan comments in relation to the complaint*

*For the reasons set out above, we strongly believe the Advertisement complies in all relevant respects with the Code.*

*In addition to our adherence to the CAD rating system, Stan maintains procedures with OMD as a matter of practice to ensure Stan advertisements are placed in what we believe are appropriate timeslots. In this instance, the Advertisement was a 'bonus' advertisement spot on Channel Nine. Bonus advertisements are subject to inclusion within any program provided they adhere to the relevant classification restrictions. Typically, the placement of Stan's 'bonus' advertisements is determined by Channel Nine and reviewed / approved by OMD to ensure the advertisement is sensitive to the likely audience. This Advertisement placement was not reviewed and approved by OMD which led to its appearance within the afternoon programming. We have raised this concern with OMD and are working closely with them to ensure greater stringency in the approval process going forward.*

## **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 referenced sex in a way which was inappropriate for a timeslot where the audience would include children.

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

The Board 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 that the television advertisement included vision from programs available on Stan and that the voice over referenced "power, sex, money and revenge".

The Board noted that the advertisement included brief scenes of couples kissing and a woman in a bikini, but considered that these scenes were very fleeting and did not contain any nudity and only contained mildly sexualised themes and imagery.

The Board noted that the focus of the advertisement was to promote available programs and considered that the focus of the advertisement was not on sex.

The Board noted the complainant's concern that this advertisement appeared in children's programming and that all programs being promoted in the advertisement were not suitable for viewing by children.

The Board also noted the advertiser's response that this advertisement had been run in the afternoon timeslot due to a bonus spot, and that the advertiser has taken steps to ensure greater stringency in the future.

The Board considered that regardless of placement the advertisement did not include nudity and was not overly-sexualised, and was appropriate for general viewing.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.