



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0458/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Virgin Mobile (Australia) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Telecommunications</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2011</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

A man dressed in red lycra leggings and a red hooded top is sat astride a red bicycle. On either side of him are two young women dressed in denim hot pants and cropped t-shirts and rollerskates.

The text box to the left of them reads, "Fair maidens can now enjoy more coverage. Coverage for up to 97% of Australians. R da H. A fair go for all."

### THE COMPLAINT

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

*It shows inappropriately clad women on a website that is open to all users and which I HAVE to access to review my bill. I find it offensive and sexually inappropriate.*

### THE ADVERTISER'S RESPONSE

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

*The complaint relates to “A man with two semi clad ladies draped on him on the home page of the website”. We believe that this is a reference to the attached creative showing two roller skating girls either side of Virgin Mobile brand campaign identity, Robin Da Hood. We attach an example of the picture. If this is not the image which is the subject of the complaint, please advise.*

*We note that the complaint is filed with reference to section 2.3 of the AANA Code of Ethics which provides “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience ....”*

*The advertisement in contention depicts a humorous visual metaphor for the Virgin Mobile product benefit of ‘coverage’. Virgin Mobile offers its members up to 97% coverage of the Australian population.*

*The image depicts two girls who have been roller skating, and have crossed path with our protagonist, Robin Da Hood. The clothing worn by these females is synonymous with that worn by people of this age when roller skating. All talent in the image are clothed in appropriate attire for the activity - roller skating – depicted. Neither sex, sexuality, nor nudity is depicted in this execution.*

*Conceptually, section 2.3 addresses concerns about the objectification of women and restricts the use of images which employ sexual appeal which is exploitative and degrading of any individual or group of people. We understand however that not all images of women who are scantily clad are unacceptable under this Section. It only restricts the use of such images if they are either exploitative and / or degrading. Which we would contend they are not.*

*Whilst prevailing community standards can only be clearly defined by target audience research, we believe the images are neither exploitative nor degrading. Exploitative would involve debasing or abusing and lacking in moral values; whilst degrading would involve lowering the character or qualitative of a person. We do not either to be the case in respect of the current complaint.*

*We also note that the complainant accessed this image via bill-paying and it is unlikely therefore to have attracted younger children.*

*The relevant talent have supplied signed documentation to confirm they are over 18 years of age.*

*The image in question is no longer in market in any broadcast media. The carousel banner on the Virgin Mobile homepage is the only existing example. The corresponding TV ad, with CAD rating of W, is currently on the Virgin Mobile branded YouTube channel.*

## **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 concern that the advertisement depicts imagery which is offensive and sexually inappropriate.

The Board viewed 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 the online advertisement features a man, Robin Da Hood, sitting on a bike with two young women dressed in shorts, cropped tops and roller skates on either side of him.

The Board considered that the women are wearing clothing which is not inconsistent with outdoor activity and that although their poses could be considered mildly sexualised they are not offensive or inappropriate.

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 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 that although the advertisement features an image of a man on a bike not wearing a protective helmet, the Board considered that it is clear that the bike is stationary and that in this instance the bike appears as a prop rather than a mode of transport.

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.