



Case Report

1	Case Number	0497/15
2	Advertiser	Shiels Jewellers
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	20/01/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features images of a man and woman embracing whilst the words "sexy", "beautiful" and "diamonds" appear on screen. The final image shows a close-up of a diamond ring and the name of the advertiser, "Shiels".

THE COMPLAINT

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

This ad appeared to be advertising an adult matchmaking service, however the last few seconds revealed it was advertising jewellery. I found the choice of advertising inappropriate for the product with the company obviously trying to use sex to sell their product. However, what I object to most is the time slot. The ad showed at 6.15 am during an ad break for Paw Patrol, a very popular children's show. My nearly 4 year old son who loves to watch the ads to learn more about new toys, particularly this close to Christmas, asked me what the people were doing. He also asked what the ad was for. I was able to talk him around it, but I shouldn't have to.

Makes viewing tv with my 8 year old daughter uncomfortable and inappropriate as she is at an age where she notices and asks questions.

This is a disgrace allowing to show this, this is not a family friendly advertisement, and Channel 10 need to be more sensitive and use discretions to viewers.

THE ADVERTISER'S RESPONSE

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

Our ad as it pertains to the items listed below falls within the boundaries of the code in our opinion. This opinion was shared by CAD. The ad was intended to illustrate the beauty of diamonds.

Portrayal of sex/sexuality/nudity

Portrayal of people

Exploitative and degrading images

Language

Violence

Health and safety

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 complainants’ concerns that the advertisement features a couple behaving in a sexualised manner which is akin to pornography and is not appropriate for children to view.

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 this television advertisement features images of a man and woman embracing whilst the words, “Sexy”, “Beautiful” and “diamonds” appear on screen.

The Board noted that the footage depicted is a montage of still images. The Board noted that only the couples heads and torsos are depicted and considered that whilst the man’s chest is bare and the woman’s singlet is not overly visible, the level of nudity is minimal and the woman’s breasts are not shown.

The Board noted that the couple are shown in various embraces with the man appearing to kiss the woman’s cheek in one scene but considered that the images are not overly sexualised and the overall tone is artistic.

The Board noted the complainants’ concerns about placement, in particular the airing of the advertisement at 6.15am during Paw Patrol, a G rated cartoon. The Board that this advertisement had been rated ‘W’ by CAD which means it can be aired at any time except during Preschool and Children’s (P and C) programs or adjacent to P or C periods, and care should be taken when placing in programs principally directed at children. The Board noted that Paw Patrol is a cartoon aimed at children but considered that the depiction of a couple in various embraces was not inappropriate in the context of a W rated advertisement which would be seen by children.

Consistent with previous determinations against similar complaints in cases 0536/14, 0355/15 and 0012/15, 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 complaints.