



Case Report

1	Case Number	0498/14
2	Advertiser	COUGARLIFE.COM
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a parody of the classic beach running scene of Chariots of Fire and features a group of women running along the beach in slow motion to the accompanying Vangelis song. The women are wearing white one-piece swimmers and are chasing after a man. The CougarLife logo appears on screen with the tagline "Where the women chase you."

THE COMPLAINT

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

Portrays woman in a poor light and sexually objectifies them.

The male subject appears distressed by the fact that over a dozen 'cougars' are chasing him. If this were in reverse, i.e. a dozen males chasing a distressed looking female, this would be labeled as advertising promoting a rape culture. Promoting rape culture in media advertising, irrespective of the gender, in my view, is not appropriate.

I found it offensive and degrading because of the way they showed women skimpily dressed, with close up shots of their breast area, chasing after a guy in slow motion down a beach. I

found this to be a very poor reflection of women chasing after a young guy with obvious sexual and desperation connotations.

THE ADVERTISER'S RESPONSE

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

CougarLife.com ("Cougar Life") is in receipt of a letter from the Advertising Standards Bureau ("ASB") regarding two unnamed complaints received by the ASB concerning Cougar Life's "Chase" commercial (the "CL Advertisement").

Please note that Cougar Life is familiar with the AANA Code of Ethics, having conducted many advertising campaigns in Australia, and understands the parameters that advertisers need to operate within. However, Cougar Life respectfully disagrees with the two complaints, and asks that the ASB dismiss it at the forthcoming meeting of the Board. The CL Advertisement is simply a fun, humorous, and satirical commercial.

With respect to the issues raised in the Complaints, the CL Advertisement does not contravene or violate section 2. In fact, the CL Advertisement is legal and in complete compliance with the Code.

Section 2.1 - The referenced CL Advertisement does not discriminate on any basis whatsoever, does not vilify any women, nor does it exploit, condone or elicit unlawful behavior. In fact, the CL Advertisement strengthens the perception of women, illustrating them in a position of power. The CL Advertisement does not exploit sex and sexuality. It can be viewed as empowering women, not vilifying them.

Section 2.2 - Moreover the CL Advertisement does not generalize, degrade, exploit or disparage either gender, and it does not offend the standards of public decency prevailing among a significant segment of the population. It is not sexist at all, rather is consistent with a trend in society that illustrates mature women being able to date anyone they want.

Section 2.4 of the Code of Ethics states: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. We respectfully believe that this commercial accomplishes this. There is absolutely no nudity or any explicit sexual conduct or contact between the actors in the commercial. In fact, the female actresses in the commercial are in full, one-piece bathing suits, as opposed to bikinis. Moreover, commercial is in line with other Australian spots that contain an "M" rating.

Section 2.6 - The CL Advertisement does not present aggressiveness or violence in any way whatsoever. It is also clearly a humorous advertisement, and a parody of the famous "beach-running scene" in Chariots Of Fire. The CL Advertisement utilizes over-the-top sound effects and facial expressions to further emphasize the humorous and comedic nature of our commercial. We also do not use any obscene language in the CL Advertisement or anything that can be depicted as unsafe.

Cougar Life has always been amenable to airing its advertisements (including the CL Advertisement in question) at appropriate times given its target audience. Avid has complied with the Code as it relates to potentially sensitive content and sexual innuendo.

Avid understands that its business, specifically its Cougar Life brand, is not for everyone. However, while we understand that there is a subjective element to one's "tastes", the CL Advertisement complies with the letter of the Code, and the intent and spirit of the Code. We trust that this addresses the complainant's concern. Cougar Life would like to thank the ASB in advance for its consideration of our response. We look forward to hearing from you and continuing to work co-operatively with the ASB and its Board, and continue to advertise in

Australia.

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 depicts women in a manner which is sexist and degrading and that the man they are chasing appears to be distressed.

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 the advertisement features women chasing a man along a beach to the soundtrack from the movie, “Chariots of Fire”.

The Board noted that the advertisement was promoting an online dating service that some members of the community may not approve of but considered that the service was legally allowed to be advertised.

The Board noted the complainants’ concerns that the advertisement is sexist in its depiction of women chasing a man. The Board noted that the tagline for the advertisement is, “where the women chase you” and considered that the depiction of the women chasing a man was relevant to the advertised product which is a dating website where men can register to date older women (‘cougars’).

The Board noted that the advertisement does not suggest that all women behave in the manner of the women depicted but rather that if you sign up to the advertised product as a man then you will attract the attention of women who have also signed up. The Board considered that the depiction of the women chasing a man was not a depiction which discriminates against or vilifies a person or section of the community on account of their gender.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that some members of the community would prefer that women were not depicted in their swimwear or lingerie to advertise a product and would find the depiction of women in swimsuits chasing a man to be exploitative. The Board noted the beach setting for the advertisement and considered the women’s swimming costumes were appropriate to the circumstances and that the women are depicted as powerful and confident. The Board noted that the woman are shown running in slow motion and considered that this is consistent with the Chariots of Fire movie reference. The Board considered that the women in the advertisement are not depicted in a manner which is exploitative and degrading.

The Board determined that the advertisement did not breach Section 2.2 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 that it had previously dismissed a similar advertisement for Lynx deodorant in case 0287/10 and considered that consistent with its previous determination the depiction of women on a beach in swimsuits does not amount to nudity and in this advertisement it is not a sexualised depiction. The Board noted the advertised product is a dating website and considered that the way in which it is advertised does not include suggestions of sexual activity and at the most is only suggestive of the women's desire for the man.

The Board noted that the advertisement had been rated 'M' by CAD and considered that it 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.

The Board considered 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 the complainant's concern that the man being chased by the women appears distressed. The Board noted that the man is running away from the women but considered his facial expressions are more akin to being overwhelmed by the number of women who are following him rather than being afraid or distressed. The Board noted that the advertisement suggests that by signing up to the dating site, women will chase you and considered that the depiction of the man being chased by a number of women is humorous and relevant in the context of the advertised product.

The Board noted the complainant's concern that if the genders were reversed the advertisement would be promoting a 'rape culture'. The Board considered that its role is to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of their role. The Board considered that there is no suggestion that the women are intending to rape the man they are chasing and considered that the complainant's interpretation that the advertisement could be seen to promote rape is an interpretation unlikely to be shared by the broad community.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Board dismissed the complaints.