



## Case Report

1	Case Number	0498/17
2	Advertiser	Stan
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/11/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

In the commercial there are two parts in the montage showing moments of heterosexual sex scenes. One is showing a couple in bed looking at each other face to face, the other a woman is shown from behind straddling a man.

### THE COMPLAINT

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

*I have children. Also if I avoid shows with this content why should I be subjected to this without my permission when I believe I am watching an innocuous TV program?*

### 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 24 October 2017 regarding the abovementioned complaint in respect of one of Stan's advertisements ("Advertisement").*

1. *Facts relating to the Advertisement*

- The Advertisement ran for 30 seconds on 10 October 2017 during Studio 10 (rated PG) on Channel Ten.*

- *The Advertisement featured footage from season 1 of the program White Famous.*
- *The Advertisement is designed to inform viewers of, and to showcase, White Famous.*
- *A copy of the relevant script is attached.*
- *The Advertisement's CAD reference number is 2123436 and the CAD rating for the Advertisement is "P".*
- *Stan's media agency and media buyer is Optimum Media Direction Pty Ltd (ABN 29 075 944 777) ("OMD").*
- *A digital copy of the Advertisement is available here*  
*<https://www.dropbox.com/s/nhtl1sfm0bxsbuw/STWFPP30GV3%20lo%20res.mp4?dl=0>*

## *2. 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 scenes of a somewhat sexual nature.*

*The duration of each scene is less than 1 second.*

*These portrayals are directly relevant to the specific program being advertised, and are peripheral to the overriding tone of the Advertisement (which is not a tone of overt sexuality).*

*The Advertisement contains no nudity. There is one scene showing a woman wearing a bra which is again relevant to the program being advertised. The bra is predominately obscured from view by the placement of the woman's arm in the relevant shot.*

*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 P500WMPA ("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.*

## *3. 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 this instance, the advertisement adhered to the relevant classification restrictions and was placed in an appropriate timeslot. Further, the placement was reviewed / approved by OMD*

*to ensure the advertisement is sensitive to the likely audience.*

## **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 contains images that are sexually suggestive and inappropriate.

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 advertisement features scenes from the show and that in one scene there is a couple in bed facing each other and in another scene there is a woman sitting straddled over the lap of a man. The man is holding her bottom and pulling her forward onto him. The details of the program and the makers of the show appear on screen and are discussed by the voiceover.

The Board noted the advertisements had been given a P rating by CAD based on their content meaning they may be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. ([http://www.freetv.com.au/media/CAD/Placement\\_Codes.pdf](http://www.freetv.com.au/media/CAD/Placement_Codes.pdf)). The Board noted the advertisement was aired at the appropriate time for the rating given.

The Board noted that the program itself is an MA rated program and considered the scenes from the program included in the current advertisement are not overtly sexualised and include scenes that are humorous and  
Related to the program.

The Board noted that both scenes referred to as ‘sex scenes’ are fleeting and are not the focus point of the advertisement. The Board noted that the bedroom scene shows the couple in bed and the back of the man is shown with no shirt on and the woman is wearing a bra. The couple are looking at each other but no sexual activity takes place and the scene is very short.

The second scene with a woman sitting across a man while he is positioned on a chair and the couple are fully clothed. The man has his hands on the woman’s bottom and her hands are on top of his. The Board noted the movement of the woman and man is of a sexual nature but the advertisement does not show the couple having sex or removing any clothing.

The Board noted the advertisement was shown during “Studio 10” which is a PG rated program.

In the Board’s view the advertisement included scenes from the program it was advertising

and the scenes that there were two scenes that were mildly sexualised however, in the context of an advertisement in a PG time zone, the advertisement was not overly sexualised and 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.