



Case Report

1	Case Number	0532/17
2	Advertiser	Seek.com.au
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/12/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a series unrealistic work place such as a man struggling with a Segway, being bombarded by cats and enduring beach meetings with staff members in their swimwear.

THE COMPLAINT

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

Such an image is unnecessary and disgusting

THE ADVERTISER'S RESPONSE

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

2.1 – N/A the advertisement does not discriminate or vilify any person or sections of the community.

2.2 – N/A the advertisement does not employ sexual appeal in a manner which exploits or degrades any person or groups of people.

2.3 – N/A the advertisement does not portray any acts of violence.

2.4 – N/A the advertisement does not portray sex or sexuality in any form. For approximately three seconds towards the end of the advertisement, the advertisement contains a scene of a ‘beach meeting’ at which actors are sitting around a board table in swimwear. This shot is captured from afar. Subsequently, and for approximately three seconds, there is a close up of the talent’s face with an actor wearing swimwear beside him. This close up is intended to portray the talent’s sense of discomfort at his new job. The scenes in which actors wear swimwear are brief, and the actors in the advertisement are completely and appropriately covered at all times. The target audience of the advertisement is 25-54 year olds, a mature age group. Given this, and the lack of any nudity, we submit that the advertisement treats sex, sexuality and nudity sensitively having regard to the audience.

The advertisement has been widely disseminated at various times over the last 18 months without controversy. The advertisement was first aired on most free to air channels in March 2016, in May and June 2016 and October and November 2017, for a total of eight weeks. It has also been shown online during those same periods for a total of 19 weeks.

2.5 – N/A the advertisement does not contain any strong or obscene language, and the language used within the advertisement is wholly appropriate in the circumstances.

2.6 – N/A the advertisement does not contain any scenes which are contrary to prevailing community standards on health and safety.

2.7 – N/A the advertisement was clearly distinguishable as advertising as it was shown during a commercial break and the last scene displays SEEK’s name and logo, product name, and a voice over states: “Seek Company reviews. Real reviews by real employees”.

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 shows a man in swimwear that shows his penis.

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 shows an office scenario with various outrageous scenes. The boss is showing a new employee around and the scenes include bunny day, office segways and meetings in a ball pit. The final scene shows a board room scenario with the office staff seated at the table wearing swimwear. The man presenting is also in swimming briefs and the final scene is a close up of the new employee and next to him is the man in swimming trunks. The tagline reads “discover a workplace that’s right for you” and the Seek logo.

The Board noted that the overall tone of the advertisement is exaggerated and unrealistic and that the message is clear regarding finding a workplace that you will enjoy and fit in to. The Board noted that the new employee – Nathan does not look comfortable throughout the advertisement as he struggles with the special days at work. The Board noted that the other employees appear comfortable and well adjusted.

The Board noted the particular scene at the end where the camera focuses on the new employee but at the same time, the man in his swimming trunks is in the same image and his groin area is clearly visible at this time. The Board noted that the swimmers are a typical ‘speedo’ style swimmer and that this type of swimwear does make the outline of a person’s genitals more apparent. The Board noted the camera angle emphasises his pubic region and draws the attention of the viewer to that area.

The Board noted that while the camera shot is a close up of his pubic region, his genitals are fully covered and he is standing in a manner typical of someone making a presentation not in a sexualised position.

The Board noted the advertisement had been given a ‘G’ rating by CAD and was aired at a time appropriate to the rating. The Board considered that the advertisement is humorous and unrealistic in nature and in the Board’s view, the overall light hearted nature of the advertisement meant that there was no sexual connotation to the scenario in the board room and the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad viewing 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 any other grounds, the Board dismissed the complaint.