



CASE REPORT

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| 1. Complaint reference number | 137/07 |
| 2. Advertiser | Sony Australia Ltd (Handycam) |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Race – section 2.1
Portrayal of sex/sexuality/nudity – section 2.3
Discrimination or vilification Age - Section 2.1 |
| 6. Date of determination | Tuesday, 8 May 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a teenage boy and girl sharing a passionate kiss. As the camera travels slowly around them in a continuous carousel movement, the girl starts to slowly age into a woman who gradually gets older, while the boy remains young. Text on screen declares "So clear, the memory never fades".

THE COMPLAINT

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

You see a passionate kiss between a teenage boy and an old lady.

The fact that the woman who changes in age looks like she is three times the boys age when kissing him and it is offensive as well as misleading our youth in the fact that it is not okay for someone so old to be with a boy that young...why do they have to use sexual scenes that look like pedophiles?

At the beginning of the advertisement the two people kissing are quite young but by the end of the advertisement the people kissing are a quite older woman and a very young man/teenager.

I feel the intimacy and the intensity demonstrated by the young couple is completely inappropriate.

It borders on pedophilia and it would be socially offensive if the roles were reversed. I would also suggest that the advertisers have not taken into account the possible emotional distress this ad will have on young males who may have been abused by older females in our society.

The fact that the woman gets older and the man stays young, pedophilia, its disgusting and an ad for a camera should... not portray pedophiles, if it was a man with a younger woman i bet you all it would have never appeared.

It is not a feel good add, it does not assist in reflecting on memory and morally its just not right. It appears an elder lady is kissing a pre pubescent boy.

Verges on supporting sexual abuse.

Some people were abused as children and this could be a raw nerve for them.

Strong paedophilic overtones.

It demonstrates that it is okay for adults to be divulging in a sexual act (such as a passionate kiss) with a child; which is against the law.

It creates confusion amongst young children and makes them question whether older people or nana should be giving them a tongue kiss.

This is disgusting as it encourages young people that it is okay to "SUCK FACE" "have passionate affair / kisses" with a much older person and in the current situation of pedophile invasions on young people it promotes that it is okay to have an affair with a much older person.

It depicts child sexual assault.

If this relationship actually existed it would be against the law and the woman probably imprisoned. If the ad were the other way around (e.g. an older man with a teenage girl) there would have been public outrage, so why is this ok??

I believe it is degrading to the aboriginal community and represents a connotation towards sexual assault.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Adherence to the AANA Code is taken extremely seriously by us and our partners. As such, throughout the entire process of this commercial we demonstrated absolute due care to ensure the portrayal is socially responsible, and genuinely reflects the honesty and purity of an iconic memory, and subsequently its longevity in one's heart.

From the outset, our agency sought legal advice from Clayton Utz and pre-check advice through CAD. The primary considerations advised were to ensure that the treatment commences with a couple that are aged and appear of legal consent. This ad wholly complies and avoids any notion of intimate behaviour between non-consenting adults.

In addition, through skillful direction we wanted to ensure the treatment of the kiss is restrained, mild in nature, and clearly avoids any depiction of heightened sensation or energy that suggests anything other than a tender, honest moment.

Slowly aging the woman involved an extensive CGI process which enabled the kiss to occur in one single progression. By presenting in one single unbroken sequence it further clarifies the "fantastical" aging of the woman as the time for her is artificially "sped up", but her memory of the moment remains the same.

We absolutely believe that the end product avoids any suggestion of "inappropriateness".

In conclusion we feel that although this commercial has attracted some complaints, we believe that absolute due care and social responsibility have been paramount considerations for us.

The fact that the depiction of this very human and innocent moment has created some complaints we believe has more to do with a small number of outspoken individuals with viewpoints not reflective of the broader Australian population and our audience targeted.

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 that there had been a number of complaints about this advertisement and that some complainants were concerned that the advertisement portrayed behaviour that amounts to or could be seen to condone paedophilia. The Board noted that the woman in the advertisement is seen to age from a young woman to an old woman.

The Board considered that both the young woman and the young man seen in the advertisement were represented in a manner consistent with them being young adults over the age of consent and was not a representation of children. The Board also considered that the prolonged kissing in the advertisement was sweet and loving and there was no suggestion on either the woman or man of any distress or

discomfort. The Board noted that while some members of the community may be uncomfortable with the depiction of an older woman and a young man such a depiction was not illegal nor necessarily improper.

Overall the Board considered that the advertisement was clearly a fantasy situation, was not suggestive of any paedophilia or any other illegal activity, and had an overall message of the love shared between two people as remembered by an older woman.

The Board also noted one complaint that the advertisement was degrading to the aboriginal community. The Board considered that the advertisement did not represent the man and woman as being of any particular ethnicity and that it did not discriminate or vilify people of any ethnicity.

The Board determined that the advertisement did not breach clause 2.3 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.