



## CASE REPORT

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| 1. Complaint reference number | 180/07   |
| 2. Advertiser                 | Nando's Australia Pty Ltd (Cinema pole-dancer)   |
| 3. Product                    | Restaurants  |
| 4. Type of advertisement      | Cinema   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 12 June 2007  |
| 7. DETERMINATION              | Dismissed  |

## DESCRIPTION OF THE ADVERTISEMENT

This cinema advertisement opens on a professional-looking young woman wearing a business suit, walking in the city and telling us "If you're a busy woman like me, you don't have time for cravings". The scene cuts to a club where the woman is seen wearing only a g-string and pole-dancing, smiling at the camera as a male patron enjoys her performance. We see the woman thrust her buttocks towards the man and wiggle and he prepares to place a \$20 bank note in the strap of her g-string then draws it back, seemingly put off by the Nando-fix patch she is wearing on her left buttock. The woman's voiceover explains "At work, I used to tame my Peri Peri cravings with the Nando-fix patch - it had its drawbacks though" and she is seen holding her arm across her naked breasts and looks regretful at the loss of a tip. Afterwards, in her dressing room she confides "But now with Nando-fix gum, I can tame my cravings, without taming my clients". On a later occasion she is seen pole-dancing for the same male patron, holding her arm across her naked breasts and blowing a Nando's gum bubble from her mouth, as the man places a \$100 banknote in the strap of her g-string, undeterred this time. The final scene shows the woman enjoying a meal with her husband and two children at Nando's and explaining "Of course, nothing beats enjoying Nando's with my family. But Nando-fix gum comes close." An image of the fictitious Nando's gum is seen on screen with the text "Now not available."

## THE COMPLAINT

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

*This ad was played in a popular public cinema at what is clearly a child friendly session time (5.30pm, the session was nearly full of children under the age of 12 with their parents, showing sexually based advertising content to a young audience is totally inappropriate.*

*it is completely offensive to women and undoubtedly produced by a tasteless, sexist, uneducated, male, ad executive.*

*We did not come to the movie to watch soft porn.*

*The ad is almost as repulsive and sordid about men as it is about women. It exploits the current stupid notion that sexual exploitation is "empowering" for women in order to use sex to sell chicken. It is not empowering to see women represented as lust objects, nor is it remotely funny. It is just unspeakably demeaning.*

*It degrades women and the roles they play in society portraying them as sex objects. This add(sic) makes a mockery of smokers and a serious addiction affecting thousands.*

*Shows and glorifies strip joints and venues that are R18 in a cinema full of children.*

*It was sexual and provocative and inappropriate for children to view.*

*Young children are shown it is acceptable for men to pay for gratuitous behaviour/performances. It promotes working in a strip club as an "ordinary" acceptable vocation for loving, family oriented mothers. It devalues the worth of women into sex objects.*

## **THE ADVERTISER'S RESPONSE**

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

*Perhaps a little background regarding this campaign will be instructive. We introduced a fictitious product last year called the Nando-fix patch- a make believe patch, like nicotine patches, to help people through their cravings when they can't get to Nando's. The make-believe Nando-fix patch is now joined by make-believe Nando-fix gum. And to dramatise the gum, who better than somebody, who, for professional reasons, can't wear a patch.*

*The CAD division at Free TV Australia has seen fit to give the commercial an 'M' classification and the execution is being aired during the corresponding permitted film titles. While the commercial does show partial nudity, this is no more than is frequently seen in the content of other commercials and films which are rated 'M'. It should be noted that Pirates of the Caribbean, at World's End, is rated 'M'.*

*We do not believe that the nudity shown is gratuitous. Rather, it is central to the idea of the ad. As I mentioned, the concept is to show somebody who, for professional reasons, can't wear the Nando-fix patch. A pole dancer was the ideal choice. Since she is only wearing a g-string, she has nowhere to hide the patch, so she must use the gum instead. (This is the reason that the woman is not wearing a bikini top in the ad. If she were, she could hide the patch under the top.) We believe that the level of nudity portrayed is essential to ensuring authenticity.*

*Some complainants have said the ad is degrading to women - this was never the purpose of the commercial. Our intention was the opposite - to show somebody who was clearly in charge of her own destiny. The woman we depict in the commercial is shown to be intelligent, in control and making her own choices. She is not being coerced by the man in any way. She is acting in accordance with her own free will.*

*While some complainants have said that the woman is portrayed in a degrading manner, this is a highly subjective interpretation. Nando's takes the contrary view. Many women see the open display of female sexuality as a forthright display of empowerment. I would also like to note that pole dancing has become a lot more mainstream of late. One of the lead characters in Home And Away, Martha, is a pole dancer. Other portrayals of pole dancing have recently been aired on Dancing With The Stars, as well as the radio station Nova FM, which runs advertisements for a pole dancing school.*

*We don't believe that it is our place, nor our audience's, to make a judgement about a woman's fitness as a mother based solely on her professional choices. The woman is certainly not engaged in any activity that shows her being a bad mother. Indeed, she is clearly portrayed in the final scene as an ideal mother who cares for her family.*

*This commercial is intended to be humorous and a parody. It is proving extremely popular with our target audience, the great majority of whom understand and appreciate Nando's irreverent sense of humour.*

*At Nando's, we are proud of our brand's bold heritage and irreverent personality. We believe this commercial is simply a reflection of these long-established attributes. That said, we do take this complaint seriously.*

## **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 the advertisement had been classified M by CAD which meant that it could only be shown after 8.30pm and during the week from 12-3pm. The Board noted that the advertisement had only been shown at the cinema prior to an M classified movie which means that the movie is

recommended for persons over the age of 15. The Board also noted the diverse issues raised in complaints about this advertisement.

The Board noted the complaints about the inappropriateness of stripping or pole dancing being shown in conjunction with images of a happy family and the disconnect between poledancing or stripping and family values. The Board considered that poledancing was not incompatible with family values and that there was no breach of the Code in this depiction.

The Board noted complaints that the advertisement vilified men by depicting the man at a pole dancing show, paying for the woman to dance. The Board considered that the man was depicted in a very sterile manner and not in a way that made him appear sexist or sleazy. The Board noted that the advertisement also depicted a man as the father with his family. The Board considered that the advertisement did not vilify men by showing a man enjoying a pole dancing show.

The Board noted complaints that the advertisement vilified women by depicting the woman poledancing and therefore as a stripper or a prostitute. The Board considered that the depiction of the woman pole dancing was not a depiction of a sleazy or overtly sexual woman and that there was no suggestion that the woman was a prostitute. The Board also noted that poledancing is becoming more mainstream with it currently being a popular form of exercise. While noting the change in attitude towards pole dancing the Board agreed that this change was probably not widespread in the community. Regardless of this the Board considered that this depiction of pole dancing was fairly clinical and not overtly sexual and was therefore not vilifying of women or inappropriately sexual.

The Board noted complaints that the advertisement's reference to 'nando fix patches' amounted to a stereotypical portrayal of sex workers as addicts. The Board agreed that most members of the community would not see that there was any such suggestion in the advertisement.

The Board noted many complaints about the depiction of a mother and wife as a pole dancer/prostitute and considered that this vilified women. The Board considered that this advertisement depicted a strong in control woman who went about her work in a professional manner (wearing a suit to work), enjoyed her work, enjoyed being 'sexy' and enjoyed time with her family. The Board considered that this advertisement depicted the woman as being a strong and empowered woman. The Board considered that the advertisement did not vilify women by portraying a woman in both roles or in a manner that demonstrated that she was 'sexy'. The Board considered that such a depiction was not improper as a depiction of someone who was also a mother and wife.

Lastly the Board considered the pole dancing scene and the woman's near nudity. The Board noted that the woman's breasts were covered (albeit by her hands), and that her nipples and genitals were not shown in the advertisement. The Board considered that the depiction of the woman pole dancing was fairly 'clinical' with no overtly sexual music and no touching by the man. The Board noted that even when the woman pokes her bottom out, the viewer sees this from the side and there is no actual nudity or inappropriately sexual views.

The Board noted that the advertisement is rated M and is therefore not directed to small children or children under the age of 15 without parental supervision. On this basis the majority of the Board considered that this part of the advertisement did not breach any of the provisions of the Code. The minority of the Board considered that this part of the advertisement was a breach of community standards in relation to sexuality.

All members of the Board noted that the advertiser certainly meant to create an advertisement with some shock value and that this had been achieved. The Board agreed that the diversity of opinion within the Board about the advertisement was likely to reflect community views on the advertisement.

Finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.