



## **CASE REPORT**

1. Complaint reference number	183/05
2. Advertiser	Virgin Atlantic Airways
3. Product	Travel
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 12 July 2005
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The first scene in this television advertisement depicts two men in a karaoke bar. One of the men is shown to sing a love song to the other. The advertisement goes on to show romantic scenes of an idealised courtship between two men: Running hand in hand through a park; sitting on a rowboat on a peaceful lake; twirling arm in arm on a beach; sharing a bath; flirting in front of a log fire; and finally getting married. Suddenly, one of the characters is shown to wake up indicating that the foregoing was a dream (or nightmare). The two men are actually sitting on a plane. The other man who is still asleep is resting on the shoulder of the man who has just woken up. The sleeper is drooling all over the man's shoulder. A voiceover states: *"If you wanted to sleep with him, you would have married him. Fly Virgin Atlantic Upper Class and get your own flat bed suite"*.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*"... it made a laughing-stock of the gay community... the advert sickened me."*

## **THE ADVERTISER'S RESPONSE**

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

*"The commercial... is based on the insight that most airline business class seats are so close together that everyone ends up sleeping virtually on top of a complete stranger."*

*"The character in this advertisement who is drooling on the other is the personification of the person you don't want to sit next to. In the advert that character is quite happily invading his co-passenger's space, snuggled up, head on his shoulder, fast asleep, drooling on his fellow passenger's shirt."*

*"We believe that the advertisement could not be construed in any way as discriminating against or vilifying gay Australians. It is calculated to induce amusement in the viewer rather than to discriminate or ridicule. Any ridicule is directed at the character who is drooling on his co-passenger's shirt as the personification of a person you don't want to sit next to on a long flight. The gender of the two protagonists is irrelevant in that regard."*

*"In relation to paragraph 2.3 of the Code the only part of the paragraph to which the complaint appears to relate is the treatment of sexuality. The commercial depicts some intimacy but does not depict sexual conduct. It is our belief that under today's community standards and generally high level of exposure to issues regarding sex and sexuality the public would not be offended by the content of this advertisement."*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board was of the view that the advertiser’s depiction of a gay relationship (despite the strong use of humour) was treated with due sensitivity and was not derogatory or demeaning in any way to members of the gay community.

The Board considered that there was no evidence to suggest the advertisement “[made] a laughing stock of the gay community”. The Board was of the view that in the context of prevailing community standards the majority of people would find this advertisement humorous rather than offensive.

The Board considered that the depiction of intimacy between the two characters did not contravene the provisions of the Code relating to the portrayal of people (sex).

Further finding that the advertisement did not breach the Code on any other grounds the Board dismissed the complaint.