



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 200/09  |
| 2. Advertiser                 | Chris & Marie's Plant Farms                     |
| 3. Product                    | House goods/services                            |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Thursday, 14 May 2009                           |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from Chris and Marie's Plant Farms for its \$2.90 plant clearance sale opens in a field with a woman wearing blue clothing and a nude man holding a pot over his genital area. The woman explains that they are having a plant clearance sale. The man holding plants yells out "Nude up with neighbours be gone". The woman continues to describe the types of plants on sale while having underwear and clothing items thrown at her by someone off screen. In one of the shots the man (still nude) is standing behind a small potted tree rocking with his arms on his hips. The woman hands him a hat. The man is then shown jumping out from behind a water tank and the woman holds a large pink item of clothing over the man's genital area while he waves the hat in the air and yells out "Chris and Marie's". The advertisement ends with the business details on screen.

## **THE COMPLAINT**

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

*I do not in anyway believe that there is a need to make these ads with this content. They are put on in any time slot not just at night and Chris and Marie's ads have only got worse in there content, I don't have any problem with the tutu he wears but this ad is very sexually explicit and needs to be stopped.*

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## **THE ADVERTISER'S RESPONSE**

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

*What is important to note in this Chris & Maries TVC is that the nudity is implied and not actual. We understand that some people may find a partially naked body offensive but not every person finds this offensive and we don't think that there is anything wrong with implied nudity.*

*This TVC has aired many times over the past few months to thousands of people in Victoria and only one person has been moved to formally complain.*

*Although we respect the right of the individual to have their own opinion we note that personally I have had dozens of people compliment us on the fresh non- corporate cheeky look and feel that our ad has.*

*There is movement in the ad but this is no way intended to appear as 'thrusting back and forwards to the plant'*

## **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 depicted nudity inappropriate to the audience and was sexually explicit. The Board considered the application of Section 2.3 of the Code, relating to the treatment of sex, sexuality and nudity.

The Board noted the advertisement includes a naked man, although his genital area is carefully obscured at all times. The Board also noted the thrusting movement he makes in the advertisement. Some members of the Board considered that the man's thrusting could be considered sexually suggestive (rather than very bad dancing). However most considered that the sexually suggestive nature was mitigated by the fact that the man is obviously poking fun at himself. The Board considered that this advertisement was intended to be cheeky and humorous and that most members of the community would find it either funny or silly and would not consider that the nudity was sexualised. The Board considered that the advertisement did treat nudity with sensitivity to the relevant audience and therefore determined there was no breach of Section 2.3 of the Code.

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