



CASE REPORT

1. Complaint reference number	246/07
2. Advertiser	FOXTEL Management Pty Ltd (Unexpected)
3. Product	Media
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 14 August 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television depicts a wife arriving home to hear noises upstairs and marches towards the bedroom, flinging open the door to find her husband in bed. It is obvious he is hiding his bed partner under the blankets as his wife accuses "Well, it seems I've discovered your dirty little secret, haven't I Steve?" Steve stutters in panic explaining "It's not what you think..." to which his wife replies "You liar! You said we couldn't get Foxtel because we'd spend all our time watching."

THE COMPLAINT

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

This depicts that having an affair is not as serious as not letting your wife have Foxtel, it depicts the woman as rather stupid. Someone would be able to tell if there was someone else in bed with her husband while standing so close to the bed.

I am appalled that a man is shown so blatantly cheating on and lying to his wife, and we are supposed to believe this is "obedient" behaviour. (I guess the creators of the ad are either not married, or don't care about their marriages). If advertisers can show adulterous affairs in prime time television, what are we teaching our children? No wonder our society is struggling to keep marriages together!

This ad is saying that its ok to cheat on your partner and by the laughter coming from the bedroom at the beginning of the ad, that it's also a fun thing to cheat on your partner. Its also saying that it's ok to then lie to your partner about it. This offends me because its NOT ok to do these things to your partner. This ad is also being played through the day when children can see it.

THE ADVERTISER'S RESPONSE

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

Foxtel developed the campaign to sell subscriptions through the use of good-natured humour developed by drawing parallels which demonstrate that aspects of Foxtel can be unexpected. The campaign was designed to engage and entertain audiences, inform consumers about the Foxtel service, raise brand awareness and encourage consumers to subscribe to Foxtel.

All scenarios in the campaign are fictitious. The commercial does not suggest that it is acceptable to be unfaithful on a partner, or encourage cheating. In fact, the commercial is predicated on the shared Australian community standard that it is not acceptable to be unfaithful to your partner. If anything, the commercial reinforces this value.

The commercial was classified "W" (which) means that it was not placed in any child-oriented programming. Instead, it ran during selected adult-oriented programs between the hours of 6.30pm and 12am like "60 Minutes" and "CSI Miama". Foxtel rejects the complainants' suggestion the commercial was broadcast throughout the day during children's programming.

Foxtel does not believe it breached any of the provisions of the Code and believes the commercial complies with all Foxtel's obligations.

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 about this advertisement. The Board also noted the advertiser's response and accepted that the advertisement was not depicted during children's programming. The Board considered whether the advertisement breached section 2.3 of the Code by depicting sex, or sexual infidelity. The Board agreed that the advertisement is suggestive of sexual activity but that the advertisement did not depict any nudity or any images of a couple engaging in sex. The Board determined that the advertisement did not breach section 2.3 of the Code. The Board also agreed that the advertisement, while suggesting infidelity and lying, was clearly intended to be humorous and was likely to be taken as such by most members of the community.

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