



CASE REPORT

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| 1. Complaint reference number | 285/08 |
| 2. Advertiser | Brisbane Marketing |
| 3. Product | Entertainment |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 13 August 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement features two contemporary ballet dancers with their bodies wrapped together, swinging on harnesses. The dancers are wearing flesh-coloured tights - the woman is wearing ballet shoes and the man is wearing black sneakers. Text alongside reads "Winter Weekends. When couples huddle together". Text below reads "Art lovers, and lovers looking for the perfect weekend getaway, will find Brisbane irresistible this winter. Fill your days with over 900 performances at the Brisbane Festival, the world's best movies at the Brisbane International Film Festival or the Picasso Exhibition at GoMA. Fill your nights with exquisite fare in Brisbane's world class bars and restaurants. For the full winter event guide, plus great accommodation deals, visit our website. brisbaneinwinter.com.au". Advertisement is authorised by Brisbane marketing and supported by Brisbane City Council.

THE COMPLAINT

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

A male and a female naked dancers entwined whilst hanging from a strapped contraption swing across the advertisement advertising that 'in winter couples come together'... The ad showed the females naked bottom, and left very little to the imagination as to the males anatomy. I was looking up the Morning Bulletins story on Shoalwater Bay and two naked people swung across my screen, I had not asked to view their bodies and I found the tone of the piece offensive. Should children or students be looking at this story for schoolwork it would certainly be classified as pornography.

THE ADVERTISER'S RESPONSE

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

We are disappointed that the creative executions chosen by Brisbane Marketing for our 'Winter Weekends' campaign has upset some viewers. The campaign is about the promotion of the many and varied cultural, sporting, musical and mass participation events during the winter season. Art and culture has played an integral part of this offering, which is why a creative was specifically designed to showcase this.

The image referred to in the respective complaints reflects one of the main drawcard acts during the Brisbane Festival - a contemporary ballet production called bODY_rEMIX/gOLDBERG_vARIATIONS. Although the dancers may appear to be naked they are in fact wearing flesh covered leotards. Please be guaranteed that it was not our intention to shock, rather to showcase the cultural offering hosted by the city of Brisbane. As this was a seasonal campaign, we will not be using the creative beyond the campaign period.

Please see below some key points from Brisbane Festival regarding the image.

- *Image used in the advertisement is an official photo provided by the company Compagnie Marie Chouinard to promote their new dance work bODY_rEMIX/gOLDBERG_vARIATIONS.*
- *Brisbane Festival has permission from Compagnie Marie Chouinard to use the image in marketing and promotional materials to promote the production as part of Brisbane Festival 2008.*
- *Compagnie Marie Chouinard approves each use of the image in marketing and promotional materials.*
- *Brisbane Festival sought and obtained permission from Compagnie Marie Chouinard on behalf of Brisbane Marketing for use of the image to support Brisbane Marketing's Winter Weekends campaign.*
- *The image depicts 2 dancers in a dance position embracing.*
- *The dancers are clothed in the image.*
- *The image is an actual photo of part of the performance of bODY_rEMIX/gOLDBERG_vARIATIONS*
- *During the performance the dancers use different devices including crutches, rope, prostheses and harnesses.*
- *More info at http://www.brisbanefestival.com.au/e_bodyremixgoldbergvariations.html*

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed this advertisement and noted that although the couple, at first glance, appeared to be nude they were fully covered in flesh coloured body stockings.

The Board noted the advertiser's response that stated the image depicted was from the headline act of the Festival.

The Board agreed that as this image portrayed an actual act it was perfectly justifiable in the context of the product being advertised - that of the festival at which the act could be seen.

The Board did not consider that the couple were engaged in activity of a sexual nature and therefore found that the advertisement did not breach Section 2.3 of the Code, which deals with the portrayal of sex, sexuality and nudity.

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