



## **CASE REPORT**

1. Complaint reference number	309/09
2. Advertiser	Rheem
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	Wednesday, 8 July 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This TVC for Rheem hot water has a voice over depicting a number of relevant child experiences – “she has to share a room with her little brother”, “brussel sprouts for dinner”, “wish grandma wouldn’t be so affectionate”, “school holidays finish tomorrow”, “didn’t make the basketball team”, “mum said no to a puppy”. Each of the children is depicted as standing under the shower. The children are shown from their shoulders up.

The commercial ends with a voice over promoting the environmental and economic benefits of solar hot water with the Rheem jingle.

## **THE COMPLAINT**

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

*I'm tired of advertising companies getting away with using controversial images to sell products. The voice overs try to disguise this as innocent, but watch without sound and I have to wonder about what intention is being made. What next? Portraying naked child images despite omission of chest down shots, is still portraying a naked child as a mental image. I have to wonder were pedophiles involved in the production of this ad.*

## **THE ADVERTISER’S RESPONSE**

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

*I refer to your email of 23 June 2009 to our Marketing Services Manager which attached a copy of a complaint made in relation to our Rheem Solar advertisement. Specifically, this complaint seems to reference Section 2.3 of the AANA Advertiser Code of Ethics: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone". We do not believe that the advertisement in question breaches Section 2.3 or indeed any other section of the Code and are dismayed by the suggestion.*

*The advertisement in question, with head/shoulder shots of children in the shower, portrays an everyday interaction with our product - kids enjoying a hot shower. The clear intent of this advertisement is to show that a Rheem hot water shower will make you happy no matter what happens in your day, and that solar hot water can help you (parents) save the environment to keep them smiling in the future. At no point is there any controversial portrayal of children nor any sexual connotations. In fact there was no sex, sexuality or nudity. The complaint references what the intent of the advertisement would be if the sound was off; even though this is a television*

*advertisement and would thus not be watched in this manner, if it was viewed with no sound, there remains no controversial portrayal of children. The clear intent is an innocent portrayal of smiling kids (who are some of the end users of Rheem products) in the shower and nothing more. The campaign itself was internally titled "The smiles campaign". The commercial was shot with the children's parents present, the children were wearing bathing suits in the shower and we received an approved CAD clearance number: GQ7G2HEA.*

*In summary, we are disappointed that the advertisement was viewed in a negative manner but we do not believe that Rheem has contravened any section whatsoever of the AANA Advertiser Code of Ethics, nor would we ever do so given Rheem is a family brand that has been around for over 70 years and prides itself on its family values.*

## **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 complainant's concern that the depiction of children in a shower was inappropriate.

The Board viewed the advertisement and noted that the children in the advertisement were young children but not infants. The Board noted that the images of the children were not inappropriate - with the focus of all the images being the children's faces and at most shoulders and top of their chest. The Board considered that the images of the children were not at all sexually suggestive to reasonable members of the community and were not inappropriate or in 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.