



## **CASE REPORT**

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| 1. Complaint reference number | 318/08  |
| 2. Advertiser                 | ACP Publishing                                  |
| 3. Product                    | Media   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 10 September 2008                    |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features this issue's cover girl Brigitte dressing in tennis gear on a tennis court. She is wearing a low-cut top with the buttons undone, and a tennis skirt. She removes a tennis ball from her underwear and hits it towards two young men watching her from the sidelines. One of the men catches the ball and snuggles it against his cheek.

## **THE COMPLAINT**

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

*This ad (i) contains blatant exploitation of highly female sexual imagery to promote a sex magazine; (ii) it did so in a high family viewing period. While the Board says it does not usually deal with timeslot issues, and my complaint is not in the main about the time at which this ad was shown so much as inappropriate treatment of sex and female sexuality, the ad is directly contrary to the AANA Code of Ethics clause 2.3 - namely "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."*

## **THE ADVERTISER'S RESPONSE**

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

*In response to the complaints received for the Zoo Weekly TVC and regarding Section 2 of the AANA Advertiser Code of Ethics, please see our response below:*

*Zoo Weekly is Australia's most successful men's magazine, now selling over 116,000 copies each week. Sport, News, Girls and Gags are topics our target market seek out and are the cornerstones of our editorial direction.*

*Our core audience recognise amusing moments in real life and react in certain ways. We've tried to capture this through our latest TV advertisements with Zoo man recognising these moments and remarking, "That's Zoo." We also take steps to ensure that the magazine pages that appear in the advertisements are suitable for the rating we are granted. These are included in our liaisons with Commercial Advice Pty Ltd (CAD).*

*All possible steps were made to ensure the advertisement complied with Commercial Television Industry Code of Practice so that it was able to achieve a 'PG' rating, and to ensure the ad only appears in the appropriate timeslots for the target market. This included ongoing liaison with CAD at concept, script and edit stages.*

*In regards to section 2.3, “Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.”*

*§ The advertising agency engaged with CAD at the script, pre-production & post-production stages, where direction was taken on the visuals and audio to ensure the advertisement was suitable for a PG time zone.*

*§ The advertisement does not portray any persons in an inappropriate manner, and there is absolutely no nudity in this advertisement.*

*The specific content that we believe the viewer is referring to references pages from the magazine. These change from week to week and therefore these particular pages with Brigitte in a beach bikini will not be seen in any future advertisements.*

*We hope that this adds clarification about the intent of the Zoo Weekly advertisement and provides the required background information, please do not hesitate to contact me should you need anything further. I would like to reiterate that every step was taken to ensure this advertisement complied with all required regulations.*

## **THE DETERMINATION**

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

The Board considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity. The Board noted that the advertisement had a "PG" classification and in the context of the product advertised (a magazine aimed at men), considered that the depiction of women in bikinis, as shown on the front cover of the publication, was reasonable. The Board noted that there was no depiction of nudity or sex inappropriate for the time zone and therefore found no breach of Section 2.3.

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