



## **CASE REPORT**

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| 1. Complaint reference number | 319/08  |
| 2. Advertiser                 | News Ltd  |
| 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 opens on the words "Notes on Gravity" and features a nude woman's torso with her hands cupping her breasts. A female voice over states "Once I had boobs to die for. They were big and bouncy with sunny dispositions..." (the woman now lovers her hands, still cupping her breasts, allowing them to descend to their actual position until they disappear off the bottom of the screen, and continues)...rather than slouching towards damnation the way they do now." Another female voice over adds Emma Tom writes about her age in new look Notebook magazine. Take a new look at Notebook magazine with a free Model Co mascara. Out now."

## **THE COMPLAINT**

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

*It is disgusting that there is a naked woman shaking her breast on TV. I have two young kids who don't need to see that on TV. I was absolutely outraged.*

## **THE ADVERTISER'S RESPONSE**

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

*The 'Notes on Gravity' commercial is one of three TV commercial executions being used to promote the new-look Notebook. 'Notes on Gravity' is in context to Notebook's new issue as it is promoting a piece titled 'The Age I Am' which features a selection of celebrated authors of different ages offering candid reflections on how they feel about being the age they are. The opening quote on the TVC comes from one of those authors featured in the story, Emma Tom, who also did the voice-over for the commercial. This kind of feature represents one of the biggest changes to the new-look Notebook: - thought-provoking and compassionate journalism. We wanted to promote Emma's story which reflects the cheekier editorial tone of Notebook: by using wry humour to demonstrate our understanding of the reality of women's lives which include the way once bouncy breasts 'slouch towards damnation' as women age. Our belief is that the advertisement is one with which women can connect with and relate to and do not believe that there is anything disgusting about a woman's body or about a woman's body aging.*

## **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 there was no depiction of nudity, with the woman's breasts clearly covered by her hands, or anything sexual about the portrayal of the woman and therefore determined there was no

breach of Section 2.3.

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