



CASE REPORT

1. Complaint reference number	341/09
2. Advertiser	Red Bull (Nudist Beach)
3. Product	Alcohol
4. Type of advertisement	Cinema
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 12 August 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This cinema advertisement from Red Bull for its energy drink uses cartoon-style figures in an animated scene at a beach nudist camp. A man approaches a female lying on a sun lounge under an umbrella and asks if she minds if he lies near her. She says go ahead and then offers him a Red Bull drink which she says revitalises mind and body. He accepts, takes a drink and then becomes embarrassed, turns around and covers his genitals - his genitals are covered by a black stripe throughout the advertisement. He grows wings and flies off. The female says: "Oh I forgot, Red Bull does give you wings". The advertisement ends showing a Red Bull can and the slogan beneath.

THE COMPLAINT

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

The cinema was close to full and at the time of the showing had a high population of children with their parents. I feel that it is inappropriate to direct this type of advertising to an audience that has a high proportion of children with their parents. This movie is clearly attractive to young children, making it obvious that day time showings will have young children in the audience.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following: *Red Bull always takes great care with regard to the placement of its advertisements and applies the standards for Television advertising placement to its placement of advertisements in Cinema. Transformers has been rated 'M' by the Office of Film and Literature Classification and is recommended for mature audiences. Therefore, the 'M' rated 'Nudist Camp' advertisement was appropriately placed in the 'M' rated 'Transformers: Revenge Of The Fallen' movie.*

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communication Code (the "F&B Code").

The Board noted the complainants' concerns that the advertisement was inappropriately sexually explicit and considered the application of Section 2.3 of the Code, relating to the treatment of sex, sexuality and nudity.

The Board noted that the advertisement is sexually suggestive, with the black censor band on the man suggesting sexual arousal after the man consumed the product. The Board noted that the advertisement depicts cartoon characters, that even the cartoon characters have their 'genitalia' blocked out in the

advertisement, and that the sexual reference is mild in nature.

The Board noted that the advertisement is shown during an ‘M’ rated movie which is suitable for people aged 15 years and over and not recommended or intended to be shown to children.

The Board considered that most members of the community would find the advertisement humorous, slightly risqué (as with many of the Red Bull advertisements) but not inappropriate for the relevant timezone. The Board determined that the advertisement did not breach section 2.3 of the Code.

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