



## CASE REPORT

- |                               |   |
|-------------------------------|---|
| 1. Complaint reference number | 362/08  |
| 2. Advertiser                 | Theatre Tours Australia Ltd                     |
| 3. Product                    | Entertainment                                   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 8 October 2008                       |
| 7. DETERMINATION              | Dismissed                                       |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows scenes from a two-woman stage show called "Busting Out" It shows some scenes from the show where they use their busts (breasts) as puppets and other objects. The advertisement includes comments from people who have attended the show and ends on a scene of the two women with their breasts covered by the sign "Busting Out".

## THE COMPLAINT

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

*This advertisement shown during the sports report on Nine Evening news on the Gold Coast repeatedly showed mature (old) and obese women semi nude with voice over which seemed to lampoon their behaviour. I did not pay Close attention to this ad as I was so disgusted and my sons implored me to look away as they had accidentally seen the ad previously and were totally disgusted. It would seem that the commercial was advertising a comedy TV show. It displayed images of one woman with pieces of cloth seemingly tied or stuck to her nipples on otherwise completely bare breasts. Other women were in various stages of undress and the audience appeared to be laughing hilariously at them. I am grossly offended by this and the fact that I cannot watch the evening news at 6.30pm WITH MY FAMILY without being confronted with such disgusting images. My family was horrified. I am disappointed that the people who run the Nine network in Brisbane have no sense of morality or care for the feelings of families who are forced to view this kind of rubbish as they have no warning or opportunity to escape the vision in time. It is difficult enough to raise children these days with absolute trashy programs and advertisements appearing later in the evening from 9.30pm - but I do not expect to have my family exposed to this kind of blatant abuse of advertising codes and broadcasting responsibility at family dinner time. This advertisement should NOT be displayed at family viewing time and the TV show it promotes would also seem to do nothing toward advancing community standards.*

## THE ADVERTISER'S RESPONSE

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

### *FROM THE PRODUCERS OF BUSTING OUT!*

*Busting Out! is a popular comedy show that has received both wide acclaim from mainstream audiences and critics alike. It is in fact a live theatrical experience and not as the complainant suggests, a promotion for a television show.*

*While the nexus of Busting Out! may be attributed to its comic value, the show has received much praise from respected members of the arts media for its empowering message of promoting positive body images for healthy, normal women:*

*Jenny Ringland of the Sydney's Daily Telegraph said, "It is refreshing to see women take ownership of their assets and uses them for laughs like no other."*

*Jack Royzyski of the Manly Daily described Busting Out! as both a "wonderful show" and "a political statement, by women, for women about themselves."*

*The producers reject the complainants allegation that completely bare breasts or nipples of the performers are shown during the commercial.*

*Furthermore the producers object to the complainant's assertion that the ad may be construed as offensive either wholly or in part because of the actors' age or gender. We contend that both in the writing and performing of the piece the intention is to embrace vital issues primarily relevant to women. The widely accepted and praised work is constructed to inspire and encourage women to be positive about their own body image.*

*The Producers also reject the complainant's description that the actors appearing in the commercial are obese. Such a diagnosis may only be determined by a medical practitioner. Notwithstanding there is no scientific basis for the complainant to make this claim, the perceived weight of the performers should not be basis for a claim of offense.*

*The Producers reject the claim that Busting Out! seems to do nothing towards advancing community standards. (This can be most recently demonstrated by a special fundraising performance of the show, which raised \$8,000 for the registered charity, Brisbane's PA Foundation, to support Breast Cancer Research.)*

*The Producers believe that the commercial as shown accurately represents the show Busting Out! and is indicative of joyous occasion experienced by many thousands of theatre goers who have seen the show in Brisbane.*

## **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 images of women shown in the advertisement were not sexualised and that no inappropriate images were depicted. The Board also noted that the images used were relevant to the product being advertised. For these reasons, the Board found the images used in the advertisement were treated with sensitivity to the relevant audience and the relevant time zones, and therefore the advertisement was not in breach of Section 2.3.

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