



CASE REPORT

1. Complaint reference number	73/10
2. Advertiser	Emap
3. Product	Entertainment
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Wednesday, 24 February 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

There are two Emap advertisements which feature a woman bouncing on a ball.

The first TVC commences with a woman on a tennis court. She is wearing a white relatively low cut top, matching skirt and peak cap. The woman takes a tennis ball from her cleavage and serves the ball over the net. The next image shows a young man sitting against the tennis court fence. The tennis ball bounces to him, he catches the ball and then starts to lick the tennis ball. Images from Zoo magazine edition are overlaid on the screen and voice over promotes the features within the edition. The woman playing tennis is visible in the background.

The second advertisement is set at a fast food van. Two men are being served a whole doner kebab by a woman in a low cut dress. Her cleavage is significant. The advertisement then cuts to inclusions in the magazine which is a set of 16 beer coasters. The coasters are of women dressed in bikinis and bras. The advertisement ends with the voice over saying "Now that's Zoo". It concludes with the logo and details.

THE COMPLAINT

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

I found the magazine commercial to be completely degrading to women and inappropriate given the typical audience of this family-style show. It is soft pornography and should not be aired on commercial television during peak viewing hours.

The ad contained several partially nude women who are not properly covered by their skimpy bikinis. Their nudity is in the context of posing for a pornography magazine. This is a clear violation of Section 2.3 that states that sex, sexuality and nudity is to be treated with sensitivity to the relevant audience and, where appropriate, to the relevant programme timezone. This nudity was not treated sensitively, but rather it was flaunted, and advertising a porn magazine in this manner is certainly condoning the idea that women are made for men's pleasure and are nothing more than sex objects.

Another portion of the ad contained a woman in a bikini bouncing on a large bouncing ball, implying sex. This is completely inappropriate, and was in the context of pornography, which is entirely offensive, especially to advertise at 7:15pm during a news show that is aimed at children and teenagers.

Aside from the dysfunctional perspective of women it ingrains into the social psyche, THIS WAS AT 7.15PM. Seriously! KIDS are watching at this time of night! Do you really want to screw the next generation up more than they already are? Not cool. At all.

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 105,000 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 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 take steps to ensure that all parts of the advertisement including content and the magazine pages that appear are suitable for the rating we are granted. These are included in our liaisons with Commercials Advice Pty Ltd (CAD).

All possible steps were made to ensure the advertisement complied with Commercial Television Industry Code of Practice and of the two executions, the kebab execution was classified with a 'PG' rating' whilst the Tennis execution was classified with a 'MA' rating. We ensure both ads only appear in the appropriate timeslots for the target market. We can assure you that the Tennis execution is only broadcast after the 8:30pm guidelines and does not run in any G or PG rated programs. Also included in the process, were 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" and **section 2.1**, "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of face, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief":*

- 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 the relevant viewing times.*
- 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 reference pages from the magazine. These change from week to week and therefore these particular pages with Berenger in a beach bikini bouncing on a spacehopper 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 noted that it has previously considered many of the images in these two advertisements. In relation to the image of the woman on the tennis court and the man licking the ball the Board has previously determined that:

The Board considered that the advertisement, and in particular the last scene where the man licks the tennis ball, may be regarded by some in the community as in bad taste. However, the Board noted the advertisement had an "MA" classification and therefore determined that the depiction of sex/sexuality was appropriate to the relevant audience and found no breach of Section 2.3 of the Code.

The Board noted that the tennis version of the advertisement is classified MA. The Board noted that

this advertisement includes images of a woman on a bouncing ball toy. The Board considered that the woman is dressed in a sexy manner. The Board noted that this product is a magazine targeted to young men and noted the classification of the advertisement. The Board considered that some people in the community would prefer not to see advertisements of this type or for this type of product, but considered that the advertisement did depict sexuality with sensitivity to the relevant timezone. The Board determined that the advertisement did not breach section 2.3 of the Code.

In relation to the Kebab van version of this advertisement the Board had previously considered:

The Board noted that the advertisement has a PG rating and that it has only appeared in the relevant timezone. The Board noted that the advertised product is a magazine with a male readership and is also classified as a category that is able to be advertised in general media.

The Board considered that the images of the woman's breasts in the Van in the opening part of the advertisement was not offensive. The Board considered that there was no sexual connotation in this part of the advertisement, with the man exhibiting lust towards the kebab - not the woman. The Board noted that the other images in the advertisement depicted women in bathing suits and underwear and considered that most people would find the images mildly sexual but not inappropriate for the relevant audience and timezone.

The Board considered that the images of the women were objectifying but were not vilifying or discriminatory.

The Board considered that the inclusion of the image of the girl bouncing on the ball did not change the Board's view of the overall impact and suitability of the advertisement.

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