

Case Report

1. Case Number :	0231-24
2. Advertiser :	Mad Paws Holdings
3. Product :	Professional Service
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	25-Sep-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement.

Version 1 features a voice-over saying "Carol's going on holiday, but doesn't know what to do with Mr Stinky, so she asked Arnold, a guy from work she gets sushi with". We then see Arnold with dancing naked with his genitals blurred. A dog sits nearby on a dog bed with blurred genitals.

The voice-over says "And uh... turns out he's is a nudist. Which is fine in his own home, but it's gone and rubbed off on Mr Stinky".

Carol comes home to find them and she says "Criminey Joisus Arnold"

Arnold looks surprised and says "Hi Carol"

The voiceover says "With over 50 000 trusted pet sitters, dog walkers, trainers and more, you can press pause on... slightly odd colleagues. Madpaws, everything you need in pet healthcare and wellness."

Version 2 features a naked man with blurred genitals dancing in a lounge room. A dog sits nearby on a dog bed with blurred genitals.

The door opens and a woman says "awww yuck Arnold."

Arnold looks surprised and says "Hi Carol."

A voice-over says "With over 50 000 trusted pet sitters, dog walkers, trainers and more, you can press pause on getting dodgy mates to petsit. Madpaws, everything you need in pet healthcare and wellness."



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Ad is overtly sexual - contains "blurred" nudity which is very obvious. Ad is played during primetime, when families are watching together with children. There is absolutely no need for implied/blurred nudity for an ad about petsitting.

*Unnecessarily portrayal of nudity.
The advertiser resorted to blurring private parts.*

My 7 yr old question why are they naked

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for your feedback regarding our recent TV advertisement for Mad Paws. We appreciate your concerns and understand the importance of addressing any issues with the content we broadcast.

We want to clarify that the advertisement in question does not feature explicit nudity or any sexual themes. The ad includes a character who is a nudist, but the portrayal is intended to be fun and light-hearted, with no sexual connotations. Our goal was to humorously illustrate that sometimes relying on a colleague for pet sitting might not always be ideal, especially when we might not know all the details about them. The use of a nudist was meant to emphasize this point in a playful and exaggerated manner, rather than to suggest any form of sexual content. We strive to create

content that is engaging and enjoyable while adhering to a high standard of appropriateness.

Thank you again for bringing this to our attention. We value your input and are committed to ensuring that our advertisements are respectful and align with our audience's expectations.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether the two versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement contains nudity which is inappropriate for the young audience viewing the advertisement.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

Does the advertisement contain violence?

The Panel considered that someone deliberately exposing themselves to a non-consenting person is a crime and would be considered sexual violence.

However, the Panel considered that the man in the advertisement appears surprised by the homeowner coming home and had not intended to expose himself to the woman. As such, the Panel considered that the advertisement does not depict or suggest violence.

Section 2.3 Conclusion

The Panel concluded that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Full frontal nudity and explicit pornographic language are not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example.

Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

Images of naked people when viewed in a public space, where the nudity is evident and the focus of the advertisement, have been found not to treat the issue of nudity with sensitivity to the relevant audience, even when the image is not sexual in nature.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained a depiction of sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the man in the advertisement had not deliberately exposed himself to the woman. The Panel considered that the man was depicted as a nudist, and his nudity was not related to a sexual act. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that while the man in the advertisement was naked, his behaviour was not sexualised.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the man is depicted as being naked, although his genitals are blurred. The Panel considered that the advertisement did contain nudity.

Are the issues of sexuality, and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel noted that assessing whether sexual suggestion is 'sensitive to the relevant audience' requires consideration of who the relevant audience is and how they are likely to react to or feel about the advertisement.

The Panel noted that this advertisement had been given a ClearAds rating of 'P' meaning the advertisement can only be shown anytime of the day, except during P and C rated programming. The Panel considered that the relevant audience for the advertisement would likely be broad and include children.

The Panel noted that while it is clear the man is naked the use of pixilation meant that his genitals are covered. The Panel considered that the advertisement was humorous rather than sexual. The Panel considered that there was a high degree of nudity suggested in the advertisement. The Panel considered that the impact of the suggested nudity was lessened by the humour of the advertisement and the fact that the advertisement was not sexualised.

Overall, the Panel considered that the nudity was treated with sensitivity to the relevant broad audience.

Section 2.4 Conclusion

The Panel found that the advertisement did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.