

Case Report

1. Case Number :	0247-24
2. Advertiser :	TELSTRA CORPORATION LIMITED
3. Product :	Telecommunications
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	9-Oct-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two animated kangaroos building a snowman. The young kangaroo puts a carrot on the snowman in the genital area. The older kangaroo says "oop huh" and moves the carrot to the nose position.



THE COMPLAINT

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

Inappropriate content and placement insinuating a penis as a carrot.

THE ADVERTISER'S RESPONSE

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

Comprehensive comments in relation to the complaint

We do not believe that our advert is in breach of guidelines or community standards. The complaint only notes 2.4 - Sex, Sexuality and Nudity, and we believe it is clear that no other section is relevant to discuss.

2.4 - Sex, Sexuality, and Nudity

Sex

There are no depictions of 'sexual intercourse; person or persons engaged in sexually stimulating behaviour.'

Sexuality

There is nothing that suggests the capacity to experience and express sexual desire. There is no suggestion the snowman is sentient or that the carrot is placed in a sexual region to indicate a response to some sexual external stimulus. Further, concluding that the use of a carrot is as a proxy for an erect penis and suggesting of sexual desire would be unreasonable. A carrot is inherently firm with a generally straight, cylindrical shape. It is also commonly used as a nose on a snowman, as the advertisement finally shows.

Nudity

There is no depiction of nudity. The advertisement does not contain humans or live creatures, and neither snowmen nor Kangaroos ordinarily 'wear clothes' such that either of their appearances are 'nude.'

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

The advert was given a CAD rating of G, meaning it could be broadcast at any time of day, and the relevant audience would be broad and likely include children. It is part of a broader, national TVC & Social campaign for Telstra's mobile network in various Australian locations. The intention is to create humorous content to relate the message of '[town] is better on a better mobile network.' To meet that intent, it acknowledges some characteristics of the local area featured.

This one is for Telstra's mobile network in Mt Buller, a Victorian location well known as a skiing town, so snow and building a snowman are naturally connected. This moment is meant to be a light-hearted moment relating to a parent's awkwardness from a child's cheeky placement of a carrot on a snowman. It is clearly intended to be humorous both contextually (within the broad campaign) and on its own. 'They'll edit that out?' comically acknowledges the mild innuendo of the penis as a body part which would be inappropriate to display on TV.

The only relevant Practice Note consideration is whether there are overtly sexual depictions not relevant to the product or service being advertised through 'poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region.' Humorously acknowledging the existence of the penis with an animated carrot on a snowman cannot be seen as

overtly sexual in reference to the content accepted on TV by prevailing community standards and Ad Standards precedent. Neither the placement of the carrot nor the pose of the snowman alludes to sex or sexual activity. The snowman is not sculpted to resemble a more anatomically correct male form in an alluring or sexual pose such that the carrot creates substantially suggestive imagery.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement contains inappropriate sexual content.

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

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:

"Sexualised images which include elements which would be attractive to children, such as cartoons or depictions of Santa, when in a medium which can be seen by children have been found to not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience."

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 noted that the animated kangaroos are building a snowman and are not engaged in sexually stimulating behaviour. The Panel considered the advertisement does 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 the advertisement contains mild innuendo relating to the placement of the carrot on the snowman and considered that this depiction contained sexuality.

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 considered that while the advertisement contained mild sexual suggestion through the placement of the carrot, there were no actual genitals depicted and the advertisement did not contain nudity.

Is the issue of sexuality 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 the advertisement had received a ‘G’ rating from ClearAds and could be broadcast at any time of day. The Panel noted that the relevant audience would be broad and would include children.

The Panel noted that the advertisement contained mild sexual innuendo relating to the placement of the carrot. The Panel considered that the advertisement was light-hearted and humorous and the mild innuendo was not inappropriate for the relevant broad audience.

The Panel considered the advertisement treated the issue of sexuality 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 complaint.