Case Report

1. Case Number :	**0292-24**
2. Advertiser :	**Paramount+**
3. Product :	**Entertainment**
4. Type of Advertisement/Media :	**TV - Free to Air**
5. Date of Decision:	**20-Nov-2024**
6. Decision:	**Dismissed**

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

There is a 30 second version and a 15 second version of this television advertisement. Both versions showcase the new Australian Paramount+ series *Aussie Shore* with footage from the program. Scenes include:
- women in bikinis and men in board shorts in a pool
- a woman in a bikini top and short denim shorts dancing
- four woman wearing bikini tops and short sarongs.





THE COMPLAINT

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

Offensive sexualised footage

THE ADVERTISER'S RESPONSE

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

Thank you for the opportunity to respond to the complaint and comment on compliance with Section 2 of the AANA Code.

Paramount ANZ has reviewed the complaint and Advertisement and contends that the Advertisement complies with the AANA Code of Ethics (the AANA Code), particularly with regards to Section 2.2 and Section 2.4.

Streaming now on Paramount+, Aussie Shore is the first Australian iteration of the smash-hit, international reality "Shores" franchise.

The Advertisement was broadcast on 10 Peach Comedy at 5.25pm on 1 November 2024. While the Advertisement was promoting a series classified MA15+, the Advertisement itself was classified PG by Paramount's classification staff. It was scheduled during an episode of Becker which commenced broadcast from 5.00pm and was also classified PG.

Under the Commercial Television Industry Code of Practice, PG classified content may be broadcast at any time of the day, subject to certain exceptions. We consider the scheduling of the commercial complied with the Commercial Television Industry Code of Practice.

Based on the results from OzTAM (5 City Metro, Consolidated 7), 100% of the total audience of the program (35,839 viewers) was aged 18+ during the period from 5.25pm until 5.29pm when the Advertisement was broadcast.

We specifically address the Complaint in relation to the relevant sections (2.2 and section 2.4) of the AANA Code of Ethics:

2.2 Advertising shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative or degrading of any individual or group of people

Paramount contends that the Advertisement did not contain any Minors or people who appear to be Minors. The Advertisement depicts cast members of the program. The cast of Aussie Shore is over 18 years of age.

To the extent the advertisement employs sexual appeal, it is not employed in a manner which is exploitative or degrading of any individual or group of people. The Advertisement depicts footage from the program and the content is relevant to, and representative of, the program. Aussie Shore is a reality television program following eleven singles sharing a house in Cairns.

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

The Advertisement did not present or portray sex, sexuality and nudity in a manner which was not justifiable in the context of the service advertised. We disagree with the complainant's description of the Advertisement.

As outlined above, the Advertisement contained footage from the program. The Advertisement did not contain any sexual depictions that were not relevant to the service advertised, being the program Aussie Shore available on Paramount+. The Advertisement has a light-hearted tone, consistent with the nature and tone of the program being advertised.

The content was classified PG. Material classified PG may contain adult themes or concepts but must be mild in impact and remain suitable for children to watch with supervision. Restrained depictions of nudity are permitted. Restrained depictions of and verbal reference to sexual activity are also permitted.

We submit that the material was restrained and mild in impact, can be comfortably accommodated within the PG classification and was justifiable in the context of an advertisement about a reality television series for a subscription video on-demand and streaming service.

The relevant audience comprised adults as indicated by OzTAM data. Hence the material in the Advertisement was justifiable in the context of the service advertised and the audience watching and did not breach Section 2.4 of the Code.

In relation to the other provisions of Section 2 of the AANA Code:

- *Section 2.1 – The Advertisement did not specifically single out types of behaviour or attempt to depict types of behaviour among any of the sub-groups listed in the section.*
- *Section 2.3 – The Advertisement did not present or portray any violence.*
- *Section 2.5 – The Advertisement used language which was appropriate for broadcast to the audience. There was no coarse language.*
- *Section 2.6 – The Advertisement did not relate to consumer material or goods where concerns of prevailing community standards on health and safety were relevant;*
- *Section 2.7 – The Advertisement was clearly a promotion for the Paramount+ service and would have been distinguishable as such by any ordinary viewer.*

The content of the Advertisement was not directed to children, the placement of the Advertisement was not directed to children, and children were not being targeted to subscribe to the service. Hence the AANA Code for Advertising and Marketing Communications to Children is not applicable.

For the reasons set out above, we believe the Advertisement complies in all relevant respects with the AANA Code.

THE DECISION

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

The Panel noted the complainant's concern that the advertisement depicts overtly sexual scenes.

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:

> *"Full frontal nudity and explicit pornographic language are not permitted.*
>
> *Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."*

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 while the advertisement contains people dancing and interacting in a sexualised manner, the advertisement does not feature sexual intercourse or people engaged in sexually stimulating behaviour. The Panel considered 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 the advertisement depicts people dancing and interacting in a sexualised manner, and considered the advertisement contains 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 noted the advertisement features people in swimwear and considered that this is a depiction of partial 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 the advertisement was viewed on free-to-air television in the evening during *Becker*. The Panel noted the advertiser's response that 100% of the estimated audience for this program was over 18. The Panel noted that the advertisement had been internally reviewed as having PG rating and was placed in accordance with this rating. The Panel considered that the advertisement may play in programming where children could view it, but these children would likely be supervised, and the primary audience would be adults.

The Panel considered that while the content of the advertisement was sexualised, it was not explicit. The Panel considered that the advertisement did not contain full nudity or explicit sexual language. Overall, the Panel considered that the moderate level of sexualised content was treated with sensitivity to the relevant 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.