



CASE REPORT

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| 1. Complaint reference number | 139/09 |
| 2. Advertiser | Jim Beam Brands Australia P/L |
| 3. Product | Alcohol |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 22 April 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a documentary style. Opening scene is two women sitting outside beside the pool in a typical Australian backyard. The women are depicted to be Scandinavian nudists.

The camera is high up – view point from next doors first floor window.

First woman says “Back in Sweden we like the outdoors....” “Every day we come out here, whatever the weather.” “But we are careful with the sunscreen, factor 30.” “How can I wear one, I don’t even have one!”. “We say..”. Both women say “Aussie, Aussie Aussie, Take off your cozzie”

The camera returns to the view point from next door’s first floor window.

Super imposed image: THE NEIGHBOURS. Male Voice Over: “THE Neighbours”

Super imposed image: THE BOURBON. Male Voice Over: “Jim Beam. THE Bourbon.”

THE COMPLAINT

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

Because like most other Jim Beam advertisements, it is disgusting, sexist, degrading, and obviously the people of Jim Beam are living in the 1950's and don't realise that FEMALES drink bourbon too, not just male chauvinist pigs. Me & my partner are sick of having to explain it to our kids.

THE ADVERTISER’S RESPONSE

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

The TVC entitled ‘The Neighbours’ poses that two Swedish girls would be the ideal neighbours. The characters parody the traditional Nordic stereotype of a naturalist sunbather.

Section 2 of the code requires advertising not to vilify or discriminate, in this case on sexual grounds, and to treat sex, sexuality and nudity with appropriate sensitivity given the audience.

We do not believe the TVC vilifies or discriminates simply because the two characters are female stereotypes. Any 30s TVC has to establish a storyline quickly which is why easily identified stereotypes are used.

It is the nakedness of the girls which is no doubt seen by some to be unnecessary, or 'over the top'. Much care has been taken to ensure the nakedness is inferred rather than literal. The film has been edited to make sure nakedness is not seen, careful camera angles and cropping achieves this. Knowing this to be a sensitive point the TVC has been approved by ABAC pre-vetters once in June 2008 prior to its first airing in July, and, to be doubly sure, a second time, in February this year. In both cases the nudity was raised and judged satisfactorily with consideration given to taste and decency.

Acknowledging there will always be some viewers for whom advertising like this is problematic we have chosen not to air the TVC prior to the 8.30pm watershed during the time this case is being dealt with by the ASB, as evidence that our company is a responsible advertiser.

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 the complainant's concerns that the advertisement was sexist and degrading of women.

The Board considered firstly whether the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience. The Board noted the advertisement had received a "J" CAD Rating from Commercials Advice, which applies to PG or M classified material/PG style advertisement. The Board noted that advertisements rated "J" must not be broadcast:

- between 6am and 8.30am weekdays
- between 4pm and 7.30pm weekdays
- between 6am and 7.30pm weekends
- in G programs broadcast between 3.30pm and 4pm and 7.30pm and 8.30pm on any weekday.

The Board noted that, in accordance with this rating, the advertisements would appear during programming with a parental guidance ("PG") or mature ("M") classification. The Board noted that the suggestion of nudity in the advertisement was not relevant to the product. However, as the nudity in the advertisement was only implied, the Board considered the advertisement's treatment of nudity was discrete and sensitive to the relevant audience. The Board found that the advertisement did not contravene Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board then considered whether the advertisement contravened the provision of the Code relating to discrimination and vilification on the basis of gender or nationality. The Board noted the advertisement made use of a stereotypical portrayal of Swedish people, with intended humour. The Board considered this portrayal was light-hearted in tone and did not amount to discrimination or vilification of persons of Swedish origin or women generally, and found no contravention of Section 2.1 of the Code.

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