



Case Report

1	Case Number	0523/14
2	Advertiser	Aldi Australia
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/12/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a tall, burly woman in her kitchen. As she speaks she points to two different champagne bottles on a table in front of her and mentions that she likes French champagne and also likes French kissing. The advertisement then goes to a wider shot to reveal her husband (a shorter, skinny man). He stands up to be kissed by his wife. TV ad finishes on the ALDI branded end frame.

THE COMPLAINT

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

The sexual innuendo that accompanied the female's declaration that she liked French champagne and French kissing then proceeds to grab a much older gentlemen, half her size, and French kisses. It is an ad that is unsuitable for television. It has sexual overtones and is gross to view.

It's gross and really offensive. Not just because the actors are styled to be as offensive looking as possible, but I see no relation between fetish, sexual behaviour & alcohol, either literally or comedic ally.

I object to this commercial because of the lewd and offensive depiction of French kissing shown in the commercial. It does not relate to the product being advertised.

THE ADVERTISER'S RESPONSE

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

Firstly, thank you for bringing this complaint to our attention. ALDI Australia takes feedback from the community with regards to our marketing programme very seriously.

In reviewing this advertisement against Section 2 of the Code of Ethics (“the Code”), we focus on on the kissing depicted and how this relates to Section 2.4 of the Code, which stipulates “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”

Firstly, we need to establish the audience for this advertisement. Being an advertisement for an alcoholic beverage, with the associated ‘L’ rating, it is clearly targeted at adults and not an under 18 audience.

With this audience in mind, we do not believe that showing the act of kissing translates into breaching Section 2.4 of the Code, as kissing is seen regularly on TV, in movies and on the streets of Australia every day.

To support this further, we have assessed whether the kiss depicted is either gratuitous or too graphic.

There is a direct link between the products being offered for sale and the act of kissing, in that both products are champagnes, manufactured in France, and the two characters in the advertisement are engaged in ‘French kissing’. It is worth noting that this connection is clearly established in the advertisement via the dialogue delivered by the female character. As a consequence of this relevance to the advertisement’s narrative and messaging, it could not be seen as gratuitous.

The kiss physically depicted on screen only occurs for approximately two seconds, so does not comprise a significant proportion of the 15 second advertisement. The audience can’t actually see the two pair of lips meeting, as it is obscured by the female character’s hands. Thus, the kiss depicted on screen could not be described as being too graphic.

In summary, we do not believe we have contravened the Code, with a particular focus on Section 2.4, as the act of kissing is appropriate for an adult audience, and nor is the kiss depicted gratuitous or too graphic.

We hope the information enables you to make a decision with regards to the complaint. Please do not hesitate to contact us should you require anything

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 complainants’ concerns that the advertisement depicts open mouthed kissing which is lewd and offensive, sexualised, not relevant to the advertised product and not appropriate for children to view. The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code.

Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the advertisement features a woman who says she likes French Champagne and French kissing before beckoning a man to her and kissing him. The Board noted it had recently dismissed a similar complaint in case 0382/14 where:

“The Board noted that the advertisement features an older couple kissing whilst a younger man seated behind them on the bus tries not to watch them. The Board noted the complainant’s concern that open mouthed kissing is not appropriate. The Board noted that the couple are kissing passionately but considered that they are only kissing, they are fully clothed and there is no suggestion of any further intimacy in a public setting. The Board considered that most members of the community would not find this style of kissing to be of itself inappropriate or overtly sexualised.

The Board noted that the advertisement had been rated ‘PG’ by CAD and considered the content was not inappropriate in the context of the relevant audience.” The Board noted the complainant’s concerns that the current advertisement features “offensive and lewd” kissing. The Board noted that when the woman kisses the man she places her hand on the man’s face and we don’t actually see their mouths touch. The Board noted the advertised product is French Champagne and considered that in the context of expressing a liking for all things French the depiction of the kissing is not inappropriate and would be unlikely to be considered offensive or lewd by most members of the community.

The Board noted the complainants’ concerns that the kissing is sexualised and considered that the overall tone of the advertisement is comedic and the kissing is depicted in a manner which is not sexualised. The Board noted that the advertised product is alcohol and that CAD had rated the advertisement ‘L’ which means it can only be aired:

- Between 8.30pm and 5.00am on any day
- Between 12.00 noon and 3.00pm on school days (with adjustments for time zone differences)
- On weekends and public holidays as an accompaniment to the live broadcast of a sporting event.

The Board noted that children could view the advertisement during live sporting events but considered that the kissing scene is brief, the couple are both fully clothed and the style of kissing is not sexualised or inappropriate.

The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience which could include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.