



CASE REPORT

1. Complaint reference number	9/09
2. Advertiser	Jamba! GmbH
3. Product	Sex Industry
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 11 February 2009
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Jamba's mobile phone videos shows women in bikinis carrying out sexual acts. A list of the videos is on the right of the vision and the number to text to access the videos is highlighted in larger red type. A web address and other contact details are also shown on screen.

THE COMPLAINT

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

1) the ads are being displayed during shows that are not even relevant. I feel it would be different if I was watching Blokes World or something similar. Then I would feel responsible for watching these shows as the ads would seem more relevant and I could more easily avoid them. 2) I feel disrespected and intimidated; I am unable to watch a program unrelated to sex without having these ads looped continuously. I am disgusted as the only way for me to avoid them is to completely turn of the tv.

I don't see how this isn't a form of sexual harrassment. "Examples of hostile environment [harrassment] situations include telling jokes or stories of a sexual nature; unwelcome touching, such as patting or hugging; displaying suggestive or sexually explicit photographs, posters, or calendars; or making suggestive facial expressions or gestures." I am very uncomfortable and feel as though I can't go about a normal life were I am able to watch programs without being confronted with offensive bahaviour. I have seen similar products being advertised in a less explicit manner; silouettes of women, less visible nudity and sexual behaviour. I am upset with the vulgarity of the ads and believe they could be more tasteful. I just worry that if nothing is done soon to limit these ads they will only increase in number and become more racey. I realize they are playing after midnight but I still believe a limit on the number of these ads played is necessary; not 1 after the other covering the entire commercial space. It wouldn't feel so intimidating I believe if the ads did not display such nudity also the sexual behaviour is a real problem. I don't believe the girls need to be "banging" eachother to get the idea of what you're selling. I would love to hear what can be done or if there is more I can do to help.

Very explicit images and I am very disgusted and concerned about the morality of all these types of ads - first I don't want my TV viewing interrupted by ads I find disturbing and gave to switch channels and secondly I am concerned about the images effect on young minds - and normalising tis type of behaviour - just because they are on late at night is no excuse - kids stay up very late these days - these ads never stop always differente numbers and hard to pinpoint advertiser - not just on Channel 7 but other commercial stations as well.

On Sunday night 30th November, we were watching 'A touch of Frost' on Southern Cross in Tasmania. Part way through an ad for mobile phone videos came on. The first video showed a naked girl thrusting against another girl's backside vigoursly. The next vision naked girls with

lesbian

connotations, you can also load one about girls in a limo. Our young son was watching with us, and we found it unnecessary filth and quite disgusting. The station had an M classification on Frost which we thought was ok for him to watch, but the classification was clearly not covering the ad. Personally we don't think we need garbage like that on TV. Lesbians and dildo fairs with naked women would be in plastic bags with warnings in the newsagency, so why not on the TV????

It is inappropriate to be shown on tv, even at this time slot.

THE ADVERTISER'S RESPONSE

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

The entire complaint is baseless, we comply by the psms services guidelines and at no stage do we show ads or have content that are obscene or offensive to anyone, the ad in question does not have any nudity as has been alleged and is definitely not pornographic in nature, the content is rated M.

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 about the explicit nature of the images depicted in the advertisement and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board considered the advertisement's depiction of sex, sexuality and nudity was high in impact, with the first few images in the advertisement in particular being extremely explicit, despite the use of "stars" to obscure parts of the images.

The Board noted that the advertisement was screened in a late timezone appropriate to an adults only classification. The Board also noted that this timezone is classified to include higher level sexual material.

The Board carefully considered whether the explicit images depicted were sensitive to the relevant audience viewing the advertisement in this timezone.

The Board was of the view that most members of the community would consider this advertisement crosses the line of what is considered sensitive treatment of sex, sexuality and nudity, even in the case of a late night adults only audience. The Board considered most members of the community would regard the advertisement as inappropriate for television in any time zone. The Board therefore determined that the advertisement contravened Section 2.3 of the Code and upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

We disagree with the boards heavy handedness to a few overly sensitive members of society, however we have taken this spot off air as we would not want to offend anyone who stays up past midnight"