



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0288-21</b>
<b>2. Advertiser :</b>	<b>It's Normal</b>
<b>3. Product :</b>	<b>Sex Industry</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - On Demand</b>
<b>5. Date of Determination</b>	<b>27-Oct-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement has two versions.

Version 1 features a high school PE teacher character in front of a blackboard with sex education information. She holds a banana, and then picks up an adult toy and speaks to camera. The audio states:

Voiceover: Normal makes sex toys so easy that your PE teacher in high school who struggled to put a condom on a banana feels comfortable talking about it.

PE Teacher: Normal takes the guesswork out of sex toys. I just answered a few questions and I was matched with Charlie. He's versatile and powerful which is exactly how I like it. For satisfaction guaranteed visit [itsnormal.com](http://itsnormal.com)

Version 2 features a grandmother character. She is pouring tea and then picks up an adult toy and speaks to camera. The audio states:

Voiceover: Normal makes sex toys so easy that Nanna Geraldine who spells S E X instead of saying sex can talk about it.

Nanna Geraldine: Quinn uses pulses of air pressure to stimulate the clitoris. Yes, I said the C word. With a sensation that feel like the best oral sex I've had since the fall of the Berlin wall. Get sex toys from this century at [itsnormal.com](http://itsnormal.com).



## **THE COMPLAINT**

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

*I object to the subject matter of the ads. Sex and especially sex toys are something that parents should be able to choose the timing of discussion with children, not forced on them by the content of advertisements on TV.*

*It was only just 10pm. It was on virtually every ad break and on 9now cannot queue thru it. Watching with teenage niece was shocked. Really inappropriate. That sort of crap was on tv after midnight but never expected on demand tv where can't even skip it.*

*Offended that this type of advertising about sex toys is on free to air on demand channel at a time when my teenage children are watching. This should not be advertised at this time or this openly.*

*My children were coming out from their bedroom to ask us (my wife and I) a question, while this advert was on. The loud talking about clitoris and stimulation whilst holding the vibrator was offensive to myself and my wife. We do not want to have to watch sex toy advertisements during free to air programming at any time.*

*Offended by sex toy talk .. my children are primary school aged. I was offended myself that an old lady is talking about her clitoris.. seriously its not something children should watch.. And this was not the only ad that popped up either., its all sexual and not for children.*

*It is during the day time....what about children!!!!!! This is not something children should be exposed to. And to be frank with you no one else needs to either. Do your own thing away from public viewing. Please address this issue with everyone in mind, not just a small percentage of the population who are looking for this type of advertising. It is very disappointing that you want to expose so many children to these things. Very offensive. Thankyou for your help with this matter.*

*I was watching the program with my young children who don't need to know about sex toys. Particularly vibrators during a family program*

*Very inappropriate ad to have on at this time of night, whilst watching a PG rated show. Ads should be appropriate to time of day AND rating of tv being watched.*

## **THE ADVERTISER'S RESPONSE**

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



*We refer to your letters on behalf of Ad Standards dated 11 and 14 October 2021 enclosing complaints (Notification).*

*Thank you for your Notification — which appears to relate to two advertisements for Normal products (copies provided with this letter) shown on broadcast video on demand (BVOD) platforms — and for the opportunity to provide a response.*

*In short, these two advertisements depict women in a non-sexualised context describing positive experiences with Normal sex toys, while holding one of Normal's products.*

*In our view, the complaints engage only section 2.4 of the AANA Code of Ethics (Code), but in the interests of completeness and for the benefit of the consideration of the Ad Standards Community Panel (Panel), this response also deals with section 2.5.*

*Section 2.4: Sex, sexuality or nudity  
Uses of sexuality and sex*

*Section 2.4 of the Code provides that “advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience”. The AANA Practice Note published 1 February 2021 (Practice Note) elaborates on the intention behind this section, stating that:*

*Section 2.4 prohibits the harmful use of sex, sexuality or nudity in advertising and requires that such content must be appropriate for the relevant audience. Images that are considered harmful and which are not permitted are those which are overtly sexual and inappropriate having regard to the relevant audience. [emphasis added]*

*The Code defines “sexuality” as “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”, and it is clear that the two advertisements do “use” sexuality. They also refer to sex indirectly, and one of the advertisements uses the phrase “oral sex”. (On the other hand, the advertisements plainly do not include nudity.)*

*However, in our submission, Normal's uses of sexuality and sex are neither “harmful” nor “inappropriate”, given the relevant audience.*

*Advertising sexual products is not harmful or inappropriate  
The starting point is to recognise that the Panel has not considered that the advertising of sexual products per se is harmful or inappropriate.*

*Indeed, a review of the Panel's cases indicates that out of more than 30 such cases relating to sexual products or adult toys since 2005, all but 2 have been dismissed by the Panel. In particular, we refer to the case report for complaint 0183/19, which related to an advertisement for a sexual product company on a BVOD platform (and was dismissed, though in our submission that advertisement was noticeably more*



*explicit in its depictions and suggestions of sex than the Normal ads currently under consideration).*

*Of even greater relevance is a complaint made in July 2021 about a radio advertisement for Normal itself, which the Chair of the Panel decided did not even need to be forwarded to the Panel for its consideration. That decision was explained on the basis that:*

*the issue raised is about a theme/concept commonly used in advertisements and one which has been considered by the Community Panel on many occasions which the Community Panel has consistently determined does not breach any of the provisions of the Codes. On this basis the Chair considers that the advertisement which is the subject of the complaint would not breach the Code. [Letter from Ad Standards to Normal dated 19 July 2021]*

*In other words, sexual product advertisements are not of themselves harmful or inappropriate according to prevailing community standards.*

*These advertisements are not harmful or inappropriate  
Normal is a sexual wellness company which encourages Australians to normalise discussions of sexuality and to do so in an inclusive and healthy manner, without shame or stigma. Its very purpose is to change the conversation around sexual health and sexuality, including by providing access to high quality sexual education resources. It is in this spirit that these advertisements should be understood.*

*These advertisements portray sexual health in a non-confrontational way, situated within contexts in which a discussion of sexuality would not normally be anticipated (here, a PE teacher in a classroom and a mature-aged woman drinking a cup of tea). They invite the viewer to recast their conceptions of sexual wellness and to appreciate it as both universal and approachable.*

*The protagonists describe their positive experiences with Normal, while holding one of Normal's products. Their descriptions are in broad terms, and while they use the term "sex toy" (and while one of the advertisements refers to "oral sex" and "stimulate the clitoris"), they do not explicitly depict sex acts or refer to them in any detail. Further, these terms used in the advertisements are directly relevant to the products being advertised. The products themselves have a neutral shape and similarly do not depict or suggest particular sex acts.*

*The advertisements are sensitive to their audience  
Section 2.4 of the Code and the Practice Note both emphasise the requirement for an advertiser to be sensitive to their audience. These advertisements were aired on BVOD platform Channel 9Now (9Now), and Normal strives to place its ads sensitively to its target audience. To that end, Normal requested that these advertisements were only shown to registered users of 9Now who had indicated that they are 18 years old or above. It also appears from the complaints that the ads were only displayed between*



*8pm and 11pm, a factor which should be taken into account as being arguably later than the usual window for minor audiences.*

*Of course, it is always possible that a registered adult user of a BVOD platform will watch programs while accompanied by a minor, and this is not within Normal's control. That is equally true of free-to-air television, regardless of the classification rating of the relevant program. Common to these two situations is the capacity for adult supervision, in contrast to a situation where an unaccompanied and unsupervised minor watches the same material. Indeed, in its case report dismissing complaint 0183/19 (referred to above), the Panel noted that it: considered that children may understand the concept of the advertisement, however considered that given the program in which the advertisement aired that the primary audience of the advertisement would be adult and children would be supervised.*

*Further, it is our view that users of BVOD platforms can reasonably expect that advertising shown to them will generally be targeted in some way based on their demographic profile, as is the case with the majority of other internet and mobile advertising.*

*The advertisements do not use overtly sexual imagery  
While it is inevitable that some members of the community may, for a variety of reasons, prefer for companies such as Normal not to advertise their products at all, the relevant question is whether the advertisements are sufficiently cognisant of their context, audience and prevailing community standards.*

*Normal has sought to treat the issue of sexual wellness with openness, sensitivity and a playful advertising tone, and to be conscious of its target audience. Normal's advertisements across numerous mediums are intentionally desexualised, and avoid the use of overtly sexual imagery in advertising as described by the AANA. As aforementioned, Normal's products are also designed to minimise realistic likeness as sexual products and employ pastel colours to further desexualise the exploration of sexual wellness.*

*In that vein, Normal goes to great lengths to ensure that the imagery used in its advertisements is not overtly sexualised, titillating or vulgar in any way; on the contrary, it is educational and light-hearted in tone. The models whom Normal engages reflect its underlying philosophy of normalising the variable range of body types, removing negative associations with bodies of particular physiques and in addressing body-shame as a recognised side effect of the hyper-sexualisation and objectification of bodies in advertising, identified among researchers as having far-reaching socio-psychological effects.*

*Indeed, many publications including *The Australian*, *Women's Agenda* and the *Herald Sun* have reported on Normal's commitment to reforming the narrative on sexual wellness, its mission to revisit traditional sex-education, and the deficiency of accessible and accurate information regarding consent and pregnancy on modern social media platforms.*



*In our view, and in the view of thousands of people who have used Normal to advance their sexual education, sexual wellness and bodily respect, awareness and health, Normal's advertising is neither "harmful" nor "inappropriate". As such, Normal's advertising does not contravene Section 2.4 of the Code.*

*Section 2.5: Language*

*This provision of the Code prohibits "the use of strong or obscene language and requires that the language used in advertising must be appropriate for the circumstances".*

*As stated above, in our view these two advertisements could not be said to engage section 2.5 of the Code, but we deal with this issue for completeness and for the benefit of the Panel's consideration.*

*One of the two advertisements uses the word "clitoris"; the other contains a blackboard on which various elements of the female anatomy ("breasts", "uterus" and "ovaries") and sex-related concepts (including "intercourse" and "abstinence") are written.*

*We are not aware of the Panel having previously considered the word "clitoris" in the context of section 2.5 of the Code. However, we submit that by definition it could not be classified as "obscene", since it is anatomically correct nomenclature for a part of the human anatomy, employed accurately.*

*Part 2 of the Code is underpinned by the concept of 'prevailing community standards'. It would be extremely surprising if in 2021, those standards would be considered to be offended by the correct use of scientific terminology in advertising. As already stated, part of Normal's very purpose as a company is to educate the public about sexual wellness, and to do so in a positive and accessible way.*

*While we appreciate the concern of parents or legal guardians who have shared that they should be able to control when sexual topics are introduced to minors in their households, we again emphasise that Normal specifically chose to have its ads presented to 9Now account holders who had indicated that they were over the age of 18. What those account-holders consume with minors is beyond Normal's control. It is within the technical ability of BVOD broadcasters, if desired, to enable those adult account holders to create separate family or minor accounts.*

*For the aforementioned and non-exhaustive reasons, we submit that the two advertisements do not contravene section 2.5 of the Code.*

*We hope that the above information is of assistance to the Panel's consideration. We would be more than happy to provide any additional detail or clarification if needed.*



## THE DETERMINATION

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 complainants' concern that the advertisement refers to sexual matters and is inappropriate for broadcast when children can view it.

The Panel viewed two versions of the advertisement and noted the advertisers response.

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*

*“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).*

*“The use of the word “sex” does not, of itself, make an advertisement unacceptable. However, such advertisements must not contain images that are overtly sexual and inappropriate having regard to the relevant audience.”*

#### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained 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 advertisement is promoting adult products intended for sexual activity however considered that there is no depiction of such activity. The Panel considered that 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 noted that the advertisement is promoting of a product intended for sexual activity. The Panel also noted the references to “sex toys”, “condom” and “clitoris”. The Panel considered that the advertisement did contain 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 that the women depicted in both versions of the advertisement are fully dressed. The Panel considered that 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 considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement was broadcast on TV On Demand and noted that such on demand services require a user to sign up. The Panel noted that targeting for advertisements is based on the user information (ie over 18) and that the advertiser cannot control whether other people are using the service. The Panel noted the advertiser’s response that users of on demand platforms can reasonably expect that advertising shown to them will generally be targeted in some way based on their demographic profile.

The Panel noted that some complainants had advised what program they were watching, and the Panel noted that all programs were rated PG or higher.

The Panel noted that the advertisement is not highly sexualised in the sense that it does not use overtly sexual imagery, nor does it use sensual music or voiceovers. The Panel considered that the advertisement uses factual language (such as clitoris) and that referring to the product of sex toys being advertised is not inappropriate in itself.

The Panel considered that children may understand the concept of the advertisement, however considered that given the program in which the advertisement aired that the primary audience of the advertisement would be adult and any children would be supervised.

The Panel considered that the sexual element of the advertisement was mild and not overt and was not inappropriate for a broad audience that may include supervised children.





### **Section 2.4 Conclusion**

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaints.