



CASE REPORT

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| 1. Complaint reference number | 555/08 |
| 2. Advertiser | Advanced Medical Institute |
| 3. Product | Professional Services |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement for Advanced Medical Institute has a bright yellow background. Large text in red says "MEN, 'DO IT' LONGER!". Below this, in smaller black print is "Nasal delivery technology - call the doctors at Advanced Medical Institute" and the telephone number 1300 311 611.

THE COMPLAINT

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

I don't wish to see such blatant and crude advertising as I travel past these billboards on a daily basis. I find the wording totally inappropriate when passing these signs with my 11 year old daughter and she is exposed to these messages. Such crass advertising should not be flaunted 24/7 in such a graphic way to the general public. There are strict time slots for various television ads and shows depending on the rating of their content so why is it that such an 'adult' billboard can be shown to all age groups 24 hours a day.

Sorry, but here is a repeat of my original complaint. The offending billboards were not removed, as promised, but were partially covered with a "CENSORED" sticker. This has been now replaced by an equally offensive advertisement - "Men, 'do it' longer" - still blatant, still offensive to me and to members of my family, and the cause of considerable discomfort when we find these in front of us. The alleged need to reach many poor males with this message reflects poorly on our male population. I consider that our society is generally not comfortable with matters which ought to be handled with dignity and respect being blasted across the field of vision of all who use our roads. I would be grateful if you would bring this matter up again with the Advertising Standards Board. In the meantime, I will drive on different roads, even though this is not at all convenient.

The current wording of "men do it longer" again uses child curiosity in reading street signs. With the same lettering and colouring styles used at previous sources it is obvious that .

I do not think there is need to advertise this type of thing on a big billboard on a busy road. Also, it does have double meaning. One could ask, "What do men do longer?"

THE ADVERTISER'S RESPONSE

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

It is our understanding that one complaint has been received in relation to this advertisement and that the issues raised in relation to the advertisement appear to relate to section 2 of the code. Section 2.3 of the code requires advertisements to treat sex, nudity and sexuality with sensitivity to the relevant audience and the relevant programme time zone. The advertisement does not include any nudity. Whilst the term "Do It" may be considered by some people to have a double meaning,

we do not believe that the advertisement treats sex or sexuality without sensitivity. Any sexual references arising from the advertisement are subtle and not obvious, with any inferences being indirect rather than direct. No child would be aware of any reference to sex arising from the advertisement unless they were already sexually aware.

We also believe that the advertisement is less sexually explicit than numerous other public billboards which have previously been erected including billboards promoting the movie "Sex in the City" and billboards promoting cars and other consumer products with partially clad models.

Finally, we note that the independent market research report which was conducted by Galaxy Research on these types of issues found that 51 % of Australians believe the phrase "want longer lasting sex" should be permitted on billboard advertisements for products which treat sexual health problems. This phrase is much less explicit and we accordingly believe that a much higher proportion of the public would have issues with this statement (as further supported by the fact that there appears to only be one complaint relating to these billboards despite their widespread prevalence).

As a consequence, we believe that the advertisement treats issues of sex and sexual with sensitivity and is in compliance with the code. Sections 2.4 of the code relates to advertising to children. The advertisement is not aimed at children. In any event, the advertisement does not contain sexual imagery or language or state or imply that children are sexual beings. As a consequence we believe the advertisement does not breach section 2.4 of the code. Section 2.5 of the code prohibits the use of strong or obscene language. The advertisement does not use any obscene or strong language. As a consequence we believe the advertisement does not breach section 2.5 of the code. Section 2.6 of the code requires advertisements to not depict material contrary to prevailing community standards on health and safety. For the reasons set out in relation to section 2.3 of the code, we do not believe that this advertisement is contrary to prevailing community standards. As a consequence, we believe the advertisement does not breach section 2.6 of the code.

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 sexual references used in this outdoor advertisement and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that this is an outdoor advertisement and, as a result, the relevant audience is broad and may include children.

The Board noted that the advertisement did not use any direct or overt references to sex or sexuality, using only the words "Do It" to direct adults to the relevant meaning. The Board considered that children would not be aware of what 'do it' was supposed to refer to. The Board determined that the advertisement treated sex and sexuality sensitively to the relevant audience and found no breach of Section 2.3 of the Code.

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