



Case Report

1	Case Number	0034/12
2	Advertiser	Dr Snip
3	Product	Professional services
4	Type of Advertisement / media	Radio
5	Date of Determination	22/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.5 - Language inappropriate language
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Two radio advertisements for vasectomies.

The first begins with a sound effect of a car racing and the voice over says "It only takes one overly enthusiastic sperm to have an accident.." before providing details of Dr Snip's vasectomy procedure: "A prick is all it takes."

In the second version of the advertisement the voiceover asks if you are "still shooting live rounds" before continuing as before with details of Dr Snip and the tagline of "A prick is all it takes".

THE COMPLAINT

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

The time slots are inappropriate for children. The catchphrase is also offensive "All it takes is a prick" and it is also unnecessary.

THE ADVERTISER'S RESPONSE

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

The advertisement is for vasectomy, a permanent form of contraception. It is not directed at children in any way and is significantly obtuse to be un-intelligible to young children. The phrase “all it takes is a little prick” refers to the fact that it is performed under local anaesthesia and requires a small injection as patients have very misconceived ideas about how the procedure is performed. Previously this procedure was generally performed, and still is, by most specialist urologists under general anaesthesia hence the importance of the ‘all it takes’ line. Large hospital networks such as Southern Health, the largest in Victoria, no longer provide this service at all, even under general anaesthesia.

The advertisement has been running since March 2011 without any previous complaint due to its obtuse but humorous nature and placement, avoiding school times in the morning and afternoon as per the guidelines.

Please be advised that there are 2 advertisements, very similar in content, either of which could be the subject of the complaint so we have enclosed copies of both for your information. I am perplexed as there is a much larger campaign by Victa regarding lawn mowers in similar times and with the catch phrase of ‘having time to cut your neighbours grass’ which I would surmise is a bit harder to explain to children when compared to having a needle which is readily understandable.

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 is offensive in its use of the word ‘prick’ and is not appropriate for children to hear.

The Board noted that vasectomy is a service that is legally able to be advertised provided that it meets the requirements of the Code.

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 advertiser's response that the phrase “All it takes is a little prick” refers to the needle used to administer the anaesthetic and considered that the double entendre of this phrase is subtle enough to not be understood by most children. The Board considered that whilst most adults would understand the double entendre, in the Board’s view, most people would consider this a humorous play on words and not consider it offensive.

The Board noted that the advertisement is for a sex related service and that mentions of sexual activity are relevant to the service. The Board noted that the advertisement raised

issues of sex and sexuality that some members of the community may find inappropriate for radio broadcast at any time.

The Board considered the advertisement's target audience was adult listeners and noted that programming aimed at this audience could be switched off while children were present. While the Board recognised that some members of the community may be offended by the discussion of certain issues relating to sexual matters in a radio advertisement, the Board considered that the advertisement's treatment of sex and sexuality was not inappropriate, was mild in tone and was sensitive to the relevant audience

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."

The Board considered the term 'All it takes is a prick' is relevant to the product being advertised and is amusing rather than strong or obscene. The Board considered that the words used in the advertisement – prick, vasectomy, sperm – are not words which most members of the community would consider to be strong or obscene in the context of an advertisement for vasectomy service.

The Board determined that the advertisement did not use strong or obscene language and that it did not breach Section 2.5 of the Code.

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