



Case Report

1	Case Number	0036/12
2	Advertiser	Mens Clinic International
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	22/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features images of couples looking unhappy and the of them embracing and the voice over says if your sex life is suffering you should contact the Men's Clinic to receive a free consultation.

THE COMPLAINT

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

I don't think it is the sort of advertisement that should be viewing at family time as it is such a specific age group it is targeting should be at more appropriate times (or not at all). It seems a complete bombardment and unnecessary to show more than once every hour they played it every advertising opportunity throughout the times I was watching.

I believe that it is inappropriate to be advertising erectile dysfunction during a G rating family program such as Young Talent Time. It caused an unnecessary conversation with my three children aged eleven and under about why would someone's sex life be suffering and trying to describe what a sex life is.

Our parental skills when confronting this situation were certainly tested and probably was hilarious from an adult point of view but totally uncalled for during this time slot.

It would be appreciated if this could be assessed ASAP and a response given. If it is OK to advertise this product during G programming I'll be very surprised.

THE ADVERTISER'S RESPONSE

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

All stations received brief of classification and were notified of the legal broadcast time parameters for the above commercials. Human error has been cited from the network involved.

We have withdrawn the commercial from running entirely on the network involved for month of February whilst awaiting outcome from the complaint.

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 contains sexual material which is inappropriate for children to view.

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 is for a men's clinic which offers help for sexual dysfunction. The Board noted the advertiser's response that the advertisement had been rated M by CAD but that human error meant the advertisement had been placed in a G rated program.

The Board considered the content of the advertisement against the provisions of Section 2.4 and noted that the advertisement raised issues of sex that some members of the community may find inappropriate for television broadcast at any time. The Board noted that the product is legally allowed to be advertised and considered that the content was relatively mild considering the topic and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant M rated audience.

The Board accepted the advertiser's response that the advertisement was broadcast in a G rated program by error and noted that the advertisement has been pulled from that station whilst investigations are undertaken. The Board considered that in this instance it would not be appropriate to uphold the complaint based on a one-off error of placement however it noted that should the advertisement be played again in an inappropriate timeslot the Board would have to reconsider its determination.

The Board considered that the advertisement's treatment of sex and sexuality was, 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.

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