



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0003-21
2. Advertiser :	Love Honey
3. Product :	Sex Industry
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	20-Jan-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a voice-over stating: "Ever imagined what a female climax feels like? Stop imagining. Meet the Arcwave Ion, available at Lovehoney. The pleasure air stroker for the male body created to target pleasure inducing nerve endings to stimulate a new kind of release". Inspiration for every man to discover new levels of sensation. Ready to push the boundaries of pleasure? Blow your mind with Arcwave. Visit Lovehoney dot com dot au forward slash Arcwave."

The advertisement includes images of:

- a topless man reclining with an image of a heartbeat superimposed over the top
- a woman laying in bed in a black bra, smiling
- a simulation of the universe expanding
- Images of the product
- A woman's hand clutching at silk sheets
- A woman's face with her eyes closed and mouth open
- A mans hands holding onto a woman's wrists in bed
- Blow your mind with Arcwave. Visit Lovehoney dot com dot au forward slash Arcwave.

THE COMPLAINT



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

Ad is very graphic in both imaging and voiceover description. I was shocked that an ad like this was aired at such an early time and especially during school holidays.

This ad is on too early and seems to be moving to earlier time slots. Children are often still up at this time of night watching tv and this type of advertising should not be seen by children.

THE ADVERTISER'S RESPONSE

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

A description of the Advertisement;

The advertisement is a promotion for a new male wellness product called the Arcwave. The Arcwave was available exclusively at Lovehoney.com.au for the duration of advert in December 2021

A copy of the script has been included in the page following

Male voice over introduces Arcwave and 'Ever imagined what a female climax feels like?'

A series of different scenes with a single male and female

The voice over asks 'Stop imagining. Meet the Arcwave Ion, available at Lovehoney.'

Images of the Arcwave

The voice over asks 'The pleasure air stroker for the male body created to target pleasure inducing nerve endings to stimulate a new kind of release'

A series of different scenes with a couple in a loving embrace

The voice over asks "Inspiration for every man to discover new levels of sensation. Ready to push the boundaries of pleasure?"

Series of images of a male training, riding a motorbike, kissing under water, fire breathing

Finish voiceover with "Blow your mind with Arcwave. Visit Lovehoney dot com dot au forward slash Arcwave."

There is no sexual content or explicit images in this ad.

The advertisement does not feature full nudity or product descriptions and we believe it communicates the products and services from Lovehoney with sensitivity, as per Section 2.4 of the Code of Ethics

Overall, whilst carefully taking into consideration the complainants' viewpoints and suggestions, we believe that the advert doesn't contravene any areas as laid out in section 2 of the AANA Advertiser Code of Ethics. Also taking into consideration ASTRAs code of practice, we feel that the content of the advert is appropriate.



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' concerns that the advertisement is graphic in both imagery and voiceover, and is broadcast too early during school holidays.

The Panel viewed the advertisement and noted the advertiser's 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:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel noted that the advertisement refers to orgasms, and contains sexualised images such as a couple kissing, entwined hands on a bed, and a hand grasping bed sheets. The Panel considered that the advertisement did not contain explicit sex scenes, however the overall impression of the advertisement is one of sexual activity. The Panel considered that the advertisement did contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.



The Panel considered that the advertisement is promoting a male sex toy and that therefore the product itself is sexualised. The Panel noted that the advertisement refers to a climax, and contains sexualised images such as a couple kissing, entwined hands on a bed, a hand grasping bed sheets. The Panel considered that the advertisement did emphasise sexual matters and does depict sexuality.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.

The Panel noted that the people in the advertisement are not nude, however some are depicted in underwear or are shirtless (men). The Panel considered that the depiction of people in underwear or shirtless can be considered by some members of the community to be partial nudity.

Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

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 the advertisement received an 'A' classification from FreeTV and therefore may be broadcast between 8.30pm and 5.00am on any day. In addition to the time restrictions, an advertisement classified 'A' must not be shown before 9.30 pm during sports programs and films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a film which is neither promoted to children nor likely to attract a substantial child audience).

The Panel noted that the complainants had viewed the advertisement between 10:30-11pm. The Panel considered that the advertisement should possibly have received an 'S' classification which would mean it cannot air before 11.00pm, however considered that the advertiser did nevertheless comply with the classification that it received. The Panel noted that the primary audience of the advertisement would be adult and any children would likely be supervised

The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by people viewing the advertisement, however in this instance the Panel noted that the product depicted in the advertisement is a product



available for purchase. The Panel noted that some members of the community would prefer that these types of products are not advertised, however advertising them is legal and a depiction of those products is not of itself a breach of the Code.

The Panel considered that if a young child viewed the advertisement, they would be unlikely to understand the sexual nature of the product. The Panel considered that children may understand the overall concept of the advertisement, however considered that given the timeslot in which the advertisement aired the primary audience of the advertisement would be adult and any children would likely be supervised.

The Panel considered that the advertisement was sexually suggestive, but that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

Section 2.4 Conclusion

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