



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0070/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Australian Therapeutic Supplies</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/03/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

A woman turns up for an interview naked and explains that the advertisement for the job said that naked testers were required. The interviewer explains that the condoms are called naked and tells the woman she has the job.

### THE COMPLAINT

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

*Mainly the time slot. I was driving the car with my two young boys (aged 10 and 8) and I do not believe that in family radio time, Sunday 2.18pm, that we need to hear condom advertisements - they should only be on late at night.*

### THE ADVERTISER'S RESPONSE

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

*The radio campaign is a national campaign and has been played on over 100 stations from the east to west coast.*

*The radio commercial is a tongue in cheek approach to promote our Naked condoms which are available in most leading supermarkets nationally.*

*The advertisement is designed to highlight the following,*

*1. We quality test all of our condoms, and*

*2. A mechanism to get people to remember the word naked.*

*In our opinion the advertisement is humorous and not distasteful.*

*The advert has been playing on and off now for two years and to date this is the first complaint we have received for this ad.*

## **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 features a discussion about testing of condoms that was not appropriate for the time it was aired (i.e. family radio time - Sunday 2.18pm)

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that the advertisement is intended to promote a particular type of condom – Naked Condoms – and a mechanism to get the listener to remember the word ‘naked.’

The Board noted that whilst some members of the community may feel uncomfortable with the topic of the advertisement, the Board considered that the ad was intended to be a humorous, tongue in cheek approach to promoting the product and that the language used was relevant to the product and not insensitive to the 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 2.3 of the Code.

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

