



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0092/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Club X</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/03/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

Commercial has a man and a women promoting the Fetish fantasy range available at Club X & Twisted Toys. The advertisement features scenes with woman wearing masquerade masks and a man running a riding crop over a woman's legs.

## THE COMPLAINT

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

*This ad appeared twice in a 30 minute episode of teenage mutant ninja turtles they I had recorded for playback. It was disturbing and inappropriate advertising during a children's show.*

## THE ADVERTISER'S RESPONSE

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

*The advertising was planned for late night TV, the show the complaint refers to ran on Ch 11 on the 15th of February between: 00:30-01:00 and again between 02:00-03:00  
As you can see the ads were ran in the early hours of the morning when no responsible parent would allow their child to be up watching TV regardless of the program.*

## **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 disturbing and inappropriate advertising during a children’s program that had been recorded for viewing at another time.

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

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 this advertisement features an advertisement filmed in black and white with dramatic music playing in the background. Women are seen wearing masquerade masks and a man is seen running a riding crop over a woman’s legs. The advertisement is promoting the ‘fetish series’ which are adult sex toys available to purchase online.

The Board noted that the advertiser is legally allowed to advertise its particular products and that the manner in which the series is promoted is reminiscent of the movie “50 shades of grey” and the along the lines of some the current promotions for the movie.

The Board noted that the models are dressed in a manner that is relevant to the product being advertised and is showing some of the products available for purchase.

The Board considered that the women are fully covered and there is no inappropriate nudity.

The Board noted the advertisement was given an “S” rating by CAD which means that the advertisement is only to be aired between the hours of 11.00pm and 5.00am. The Board noted that the advertiser confirmed that the advertisement was aired in the appropriate timeslot for the rating. The Board acknowledged that in ordinary viewing time for a program such as the teenage mutant ninja turtles this type of advertising would not be appropriate.

The Board noted that the advertiser had confirmed that the advertisement was aired in the early hours of the morning and that it was aired according to the rating given.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant late night television audience and determined that the advertisement 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.