



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0098/19</b>
2	<b>Advertiser</b>	<b>Lollypops Lounge</b>
3	<b>Product</b>	<b>Sex Industry</b>
4	<b>Type of Advertisement / media</b>	<b>Radio</b>
5	<b>Date of Determination</b>	<b>17/04/2019</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement is for the Lollypop Lounge.

## THE COMPLAINT

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

*I was very surprised to hear an ad for an escort service during prime time on a popular commercial radio station. I was concerned that under-age listeners (I'm not sure how many they have) might then visit the escort service's website.*

*I think it is wholly inappropriate to advertise a "Gentleman's Club" in the middle of the day on a popular commercial radio station. Young children are often in the car at that time of the day, and they shouldn't be hearing that sort of content. I don't want to have to explain to my daughter what the ad is about, and nor should I have to. I don't expect to hear that sort of advertising in the middle of the day. Additionally, the name "Lollypop lounge" catches kid's attention since it has the word "lollypop" in it, which makes the content of the ad even more inappropriate.*



## THE ADVERTISER'S RESPONSE

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

*I refer to your E-Mail dated 27 March 2019 concerning a complaint received relating to the recent commercial for Lollypops Lounge - Radio (the Advertisement).*

*We attach a copy of the audio of the advertisement.*

### *The Advertisement*

*The Advertisement is carefully scripted and scheduled and has also been cross-checked from an industry category/legal perspective.*

*As with all advertisers, Canberra FM Radio assesses and pre-approves every commercial before anything goes to air and per the advertiser above, we have applied and ensured a number of checks and balances prior to it being broadcast, these have included:*

- Legal approval with respect to advertising regulations that apply to us, as broadcasters and businesses as potential advertisers – in general and specific to their industry category.*
- A carefully written commercial with specific choice of terminology used or indeed, excluded.*
- A self-imposed and set guideline for commercial placement and scheduling timing – where we do not air such commercials prior to 9:30am or after 2:30pm – in doing so, respecting the broad demographic likely to be listening to our stations, even more so, at certain times.*

*Canberra FM Radio does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation. It does not contain any explicit language.*

### *AANA Advertiser Code of Ethics*

*The complainant raised concerns regarding the sexual themes in the advertisement per the code(s). Sections 2.2, 2.4, 2.5 and 2.7 of the Code provide that:*

*2.2 Advertising or Marketing Communications shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people. stances and strong or obscene language shall be avoided.*

*2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*2.5 Advertising or Marketing Communications shall only use language which is*



*appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience.*

*Codes 2.2 and 2.4*

*Canberra FM Radio (and HIT104.7) target and predominant audience is adults aged between 18-39, as evidenced by regular Radio Ratings Surveys conducted each year. Canberra FM Radio does not specifically target children, nor tailor its programming towards children. Whilst the Advertisement relates to an adult industry, it is not explicit in wording and would not be understood by children. The undertones would not be obvious to children (regardless of the time of day it is broadcast – per above).*

*Code 2.5*

*The Advertisement does not use obscene or inappropriate language. The language used was not explicit and the themes of the Advertisement are respectfully written. Whilst not to everyone's taste, we do not feel that this language or the Advertisement generally breaches Codes 2.5.*

*Code 2.7*

*We feel strongly that the Advertisement is clearly distinguishable as such.*

*While Canberra FM Radio (and HIT104.7) does not consider that the Advertisement raises issues under section 2 of the Code, we certainly value feedback on the Advertisement and intend to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community.*

*We would welcome the opportunity to provide any further clarification that AdStandards may require in relation to this matter.*

## **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 for an adult business which is not appropriate for broadcast to a broad audience which would include children.

The Panel reviewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted the complainants’ concerns that the advertisement is for a gentleman’s club and that an advertisement for such a venue is inappropriate for broadcast in the middle of the day.

The Board noted that this advertisement features a female voiceover talking about the Lollypop Lounge.

The Panel noted that the advertisement makes reference to the advertiser’s name, Lollypop Lounge, and that this name may be appealing to children. The Panel noted however that advertisers are free to name their businesses whatever they wish, even if that name is likely to draw the attention of children.

The Panel considered that adults would understand what the advertised product is but considered that children would be unlikely to understand these references. The Panel noted that the advertisement does not use the word ‘sex’ and considered that the phrase “full service gentleman’s retreat” is identifying of the type of services offered but is unlikely to be understood by children.

The Panel acknowledged that there is a level of community concern surrounding the advertising of adult themed products and noted that adult shops are legally allowed to be advertised. As per Panel determination in Case 0057/16:

“The Board acknowledged that some members of the community would prefer that this type of venue not advertise their services on the radio but considered that in this instance the content of the advertisement is mild and does not contain strong sexual or explicit language or references. The Board noted that the advertisement had been heard at 7pm on a Sunday evening and considered that this is not generally considered to be a time when children would normally listen to the radio. Regardless of the time in which the advertisement was aired however, the Board considered overall that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children”.

The Panel also noted the advertiser’s response that the advertisement is not and will not be aired prior to 9:30am or after 2:30pm. The Panel noted that the complainant’s had heard the advertisement at 1.40pm and 8.30pm. The Panel considered that this effort reduces the likelihood of children hearing the advertisement as it is not during peak school drop off/pick up times.

Consistent with previous determinations against similar radio advertisements for adult products (0180/16, 0057/16, 0487/15, 0390/15) the Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.



The Panel 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 Panel dismissed the complaint.

