



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

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0104/19
2	Advertiser	Chatime
3	Product	Food / Beverages
4	Type of Advertisement / media	Transport
5	Date of Determination	17/04/2019
6	DETERMINATION	Dismissed

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features a man with a Chatime drink and the words 'My first (Cha)time...' 'The balls felt weird in my mouth'.

## THE COMPLAINT

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

*They are a series of ads for a drink but all the ads I have seen for it are sexual in nature, double meanings that are not very subtle and they are massive ads on the side of buses full of school children- competition in appropriate and offensive.*

*The blatant sexual innuendo, the overt homosexual agenda.*



## **THE ADVERTISER'S RESPONSE**

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

*The idea of the campaign was a part of an acquisition strategy to drive new consumers into Chatime. Hence the reason the campaign was called "My First Chatime". We conducted a qualitative research study with our current customer and asked them where, when and what it was like the first time they tried Chatime. We used the funniest responses in our ads.*

*The bus creative in question is a picture of 2 men with the tagline "My first chatime... the balls felt weird in my mouth". The campaign officially is scheduled to finish on the 18th April 2019.*

*Our product itself has balls in the bottom of the cup. The creative clearly depicts in the visual that I believe viewers should understand we are talking about a Chatime product, nothing else.*

*We did obtain approval from the advertising standards that looks after "Out of Home" advertising before progressing with the media buy. It was by no means intended to offend, or be taken as homosexual advertising.*

## **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 features sexualised language which is not appropriate for a broad audience which would include children.

The Panel viewed 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 contains a sexual reference which is inappropriate for a medium which would be viewed by people of all ages.

The Panel noted this transport advertisement featured an image of a two men holding a cup of the promoted beverage, the text “My first (Cha) time the balls felt weird in my mouth” and a large image of the beverage product.

The Panel noted that this advertisement is on the side of a bus, and the audience would be broad and would include children.

The Panel considered that the advertisement includes the double entendre of ‘the balls felt weird in my mouth’ however considered that there is a clear explanation of balls being a part of the beverage provided in the imagery of the advertisement.

The Panel noted that in earlier determinations, advertisements which use double entendre, where a non-sexualised explanation of the meaning would be taken away by children, would generally treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted it had considered a similar issue in case 0047/18 for a television advertisement which repeatedly used the phrase ‘do it’, in which:  
“The Panel noted the complainants’ had viewed the advertisement during the day and on Prime-time television and considered that the relevant audience for this advertisement was broad and would include children. The Panel considered that the advertisement was clearly intended to be sexual innuendo and that most adults would recognise the language in this advertisement to be sexual innuendo. The Panel considered that the reference to ‘do it’ in the advertisement is resolved as consuming the food product and there is no sexual activity or depictions in the advertisement. The Panel considered while the innuendo may be understood by some children, young children would not understand the innuendo and while the advertisement may initially be confusing the message of the advertisement would become clear when the product was revealed at the end. The Panel considered that while some might consider the advertisement to be in poor taste the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.”

In the current advertisement the Panel considered that the sexualised meaning of the phrase ‘the balls felt weird in my mouth’ could be interpreted by adults to be an innuendo to oral sex, however considered that the most likely explanation of the advertisement for young children would be that the balls included in the beverage felt strange when drinking the product.



The Panel noted that the image in the advertisement did depict the beverage product with the balls shown at the bottom of the cup.

The Panel considered that the language used in the advertisement is product relevant and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which is very unlikely to include children.

The Panel noted a complainant's concern in regards to the "overt homosexual agenda".

The Panel considered that the two men in the advertisement are clearly depicted as consuming the beverage product. The Panel considered that advertisers are free to use whomever they wish in an advertisement and the depiction of two men in conjunction with the sexual innuendo is not a depiction which raises an issue under the Code of Ethics.

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.

