



Case Report

1	Case Number	0110/15
2	Advertiser	Australian Therapeutic Supplies
3	Product	Toiletries
4	Type of Advertisement / media	Radio
5	Date of Determination	29/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The radio add describes condoms and the promotion of them for the Mardi Gras with sounds of people faking orgasms.

THE COMPLAINT

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

We were in the car with our 6 year and 3 year old children. This was on a Saturday around 1pm with the radio on. We were deeply concerned about the manner in which condoms were advertised during that time of day, particularly with young children in the car. The ad had two people enacting orgasms. How would you explain that to a child of 6years old? Isn't this an inappropriate time to advertise in that manner?

I am ok with these types of ads bit an entirely inappropriate time of day with children in car.

THE ADVERTISER'S RESPONSE

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

We played for the ad for three days before Mardi Gras.

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 complainants’ concerns that the advertisement features people mimicking the sound of an orgasm and that this is inappropriate for a broad audience which would include children.

The Board reviewed 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 radio advertisement features various a man and a woman talking about faking orgasms. After the female poses the question to the man about whether he has ever faked an orgasm, the two of them start mimicking orgasm sounds as the voiceover describes the Four Seasons facebook page and condom promotion to encourage safe sex over the Sydney Gay and Lesbian Mardi Gras 2015.

The Board noted the advertisement is targeted toward adults who may be attending Mardi Gras celebrations. The Board noted that advertising on the radio does not fall under the same rating system as television and that although the target audience is adults, the audience could include children.

The Board noted it had previously considered a radio advertisement for a restaurant (ref: 199/04) where a man and woman are moaning and groaning as if having sex. In that case, the Board considered that most members of the community would not be offended and dismissed the complaints.

In contrast to the previous matter, in the current case a minority of the Board felt that simulating a sexual act on the radio has a high impact for the listener and that this type of advertising goes too far for a generic radio station.

The majority of the Board however, agreed that based on the tone of the advertisement it was unlikely to attract the attention of children as there is no catchy music or jingle and the conversation at the beginning of the advertisement is unlikely to be appealing to children.

The Board noted that the advertisement was being aired for a very short time and directly for the purpose of reminding listeners about the use of condoms and the importance of safe sex practices. The Board noted that there would be members of the community who would prefer this type of advertising was not aired on the radio but agreed that in the context of an advertisement for condoms and linked to the promotion of the Mardi Gras, the sexual references in the advertisement were not inappropriate and 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.

