



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

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0114-21</b>
<b>2. Advertiser :</b>	<b>Wild Secrets</b>
<b>3. Product :</b>	<b>Sex Industry</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>12-May-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This advertisement features scenes including:

Various close ups of women's faces.

Various women standing.

A woman lying on a rock.

People around a campfire, touching their hands together.

An image of the product and the slogan "unknown pleasure".

### THE COMPLAINT

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

*It was advertised during 6 pm (dinner time) news when the whole family including children were watching. So the main objection is around the fact that the time of the ad was extremely inappropriate.*

### THE ADVERTISER'S RESPONSE

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

*Please see the below summary, the below is 100% factually true with no variables (ie. We don't actually advertise on traditional free to air TV)*



- *We are running on BVOD only*
- *All activity is time targeted to run from 9pm onwards (with exception of SBS which runs from 8pm onwards) - this includes Channel 7*
- *All time targeting is applied on two layers - on the network end (e.g. Seven networks platform) and on our end also (in the platform we use to execute deals)*
- *Due to the restrictions in place on the setup it is impossible for this ad to be served before 9pm on 7Plus*
- *We can say with 100% certainty that the Lelo ad was not shown before 9pm on the 27th April (nor any other day during the entirety of the campaign)*

*I think what has happened here is that this person was watching the 6pm news on 7Plus at sometime after 9pm on this particular day, a detail that seems to be omitted from the complaint.*

## **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 was shown at an inappropriate time.

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

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

The Panel noted the Practice Note for the Code states:

*"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example."*

#### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel noted that the advertisement is for an adult product and that most people would consider that this is a reference to sex. However, the Panel considered that the advertisement itself did not include people engaged in sexual stimulating behaviour or sexual intercourse.

#### **Does the advertisement contain sexuality?**



The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the advertisement was for an adult product and as such did contain sexuality.

### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that in the fleeting scenes of the people around a campfire there is no clothing visible, however only the man’s chest and the women’s shoulders can be seen. The Panel considered that this may constitute partial nudity.

### **Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that there was some confusion in relation to when the complainant had seen the advertisement. The Panel noted the complainant had stated they had viewed the advertisement on free-to-air TV while eating dinner with their family, however the advertiser had confirmed that the advertisement was only broadcast on on-demand television after 9pm. The Panel noted that Ad Standards had confirmed with the television station that these placement rules were in place and that it was highly unlikely that the advertisement would play before 9pm.

The Panel considered that the audience for the advertisement may have included children.

The Panel noted that for the majority of the advertisement the women were seen to be clothed appropriately, and in the brief campfire scenes it is not possible to tell whether they are wearing clothing. The Panel noted that there are no breasts or genitals visible and that the suggestion of nudity is not inappropriate for a broad audience.



The Panel noted that while the product was depicted, there is no description of what it is or what it can be used for, and that young children viewing the advertisement would be unlikely to understand the sexuality in the advertisement.

The Panel acknowledged that some members of the community may prefer not to see advertising for adult products however considered that the sexuality in the advertisement was very mild and not inappropriate for viewing by a general audience which may include children.

#### **Section 2.4 Conclusion**

The Panel determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

#### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.