



Case Report

1	Case Number	0135/16
2	Advertiser	AdultShop.com Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Radio
5	Date of Determination	13/04/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a female voiceover talking about a new, quieter version of a product called Womaniser. The voiceover explains that using the product feels like “Channing Tatum softly kissing and sucking...until I explode...”

THE COMPLAINT

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

I find the wording of the whole ad including phrases "like being kissed and sucked by Channing Tatum until I explode" and demonstrating the noise it makes, to be highly inappropriate to be on radio in the middle of the day. I have heard the ad several times in the middle of the day whilst listening to the radio with my small children. I feel the content of the ad is more suited for late night when young children are not listening!

I feel that the level of reference to use of the sex toy is completely inappropriate for a main stream radio station, let alone at a time when children could be listening. Try explaining that to a 9 year old.

The ad is too graphic and compares sounds of other sex toys to this new sex toy and female advertiser mimics the sound of both in air. She then says it feels like Channing Tatum kissing and sucking her softly. Highly inappropriate advertising on daytime radio especially for

children.

THE ADVERTISER'S RESPONSE

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

In summary the complaints received are all based on what they THOUGHT they heard opposed to what was actually said. Only those who recognise the properties and uses of a vibrator would know what the add was referring too, which then excludes any innocent ears and targets are audience well. The noises are always a bit contentious and we will steer away from them for future adds. Attached is my formal response to the complaint:

I acknowledge the complaints that have been received to our March 2016 Radio campaign about the new product called The Womaniser. Before this commercial was recorded it was sent to the radio stations for their consideration and approval.

Adultshop.com is very aware of our requirements under the Advertising Standards Act and how we may specifically relate to section 2.4, pertaining to material of a sexual nature. To this end we have outsourced our advertising creative in order to come up with clever, inferential commercials that avoid any language that would engage children, while getting our communication through to our target audience.

For instance, we would never use the word "orgasm", we would use other audio devices to convey a description of the item while avoiding to words that may trigger juvenile enquiries. We try very hard to use smart scripting and audio. We also ask the radio station personnel to provide feedback regarding every commercial to ensure we are representing community standards.

If you listen to the commercial, you will see that there is no reference as to where "Channing Tatum" is kissing and really up to the listener's imagination. There are many people who "explode and quiver like Jelly" while being kissed on the lips by someone they desire. It is up to the listeners to decide where the kissing is taking place. The sounds and noises that take place are meant to be cheeky and not over the top. Our creative writer is present at the recording studio with the talent to work with production to make sure they achieve a quirky upbeat commercial.

We go out of our way to make sure our commercials are proofed, approved and full under all requirements of the Advertising Standards. We will continue to review and update how we advertise in line with community expectations and appreciate your comments and response on this matter.

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 graphic

sexualised content which is offensive and inappropriate for children to hear.

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 that this radio advertisement features a female voiceover talking about a new, quieter version of a product called the 'womaniser' which "feels like Channing Tatum softly kissing and sucking until I explode..."

The Board noted the reference to the Womaniser and considered that it is not specified as being an adult toy but is referred to as a 'product'.

The Board noted that the voiceover makes reference to Channing Tatum "softly kissing and sucking until I explode". The Board noted the complainants' concerns that children could hear the advertisement and considered that consistent with previous determinations in cases 0513/14 and 0304/15 although the advertisement does not use explicit language it does put the idea or notion of explicit sexual activity to a broad audience which would lead to discussions about the content.

The Board noted that given the nature of the advertiser's products a sexual explanation for the woman's behaviour is most likely for an adult audience to infer and considered that the references to kissing and sucking and then exploding amount to an overall suggestion of sexual activity which is strong and leaves nothing to the imagination with regards to the activity the woman is describing.

The Board considered that the combination of words and sound effects provide a level of context that took the listener into the sexual act.

The Board considered that although the product is legally allowed to be advertised the very sexualised content of the advertisement means the advertisement is not appropriate for the medium of radio that had a broad audience that would include children.

The Board determined that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

As advised the Womanizer commercial was for our March radio campaign and has not been on air since the 28th March and will not go to air again.

I have spoken with our script writer and advised him that he needs to be careful particularly

when sounds and deep breathing is being used in the commercials.