



## Case Report

1	Case Number	0143/17
2	Advertiser	Ovo Mobile
3	Product	Telecommunications
4	Type of Advertisement / media	Radio
5	Date of Determination	12/04/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a woman reading out a 'Dear John' style letter: "Dear (BEEPED OUT AS IF PROTECTING TELCO'S IDENTITY) I'm leaving you... Because you can't get it up. As my Telco, I needed you to get my data allowance up to a reasonable limit. "I can't give you more data" you said! But, OVO Mobile did. With my OVO data SIM I get 50 gig for 59.95 on 4G - NO contract! So, now I can stream music and sport, wherever I am! Sorry, (BEEPED OUT), size matters."

### THE COMPLAINT

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

*Erectile Dysfunction is not a light topic for those who suffer from it, nor is the subject of personal integrity. It has a massive effect on someone's self evaluation, and cannot be remedied as easily in the way make-up or lubricant does for women. This issue leads to suicide and the lack of support for men is disgusting enough without this kind of disgusting angle towards men in the form of an ad.*

*This is a tasteless play on words with regard to the extent of her telecoms package. The inference to a man's sexual performance could not be clearer. It is both sexist and demeaning to men.*

## **THE ADVERTISER'S RESPONSE**

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

*The OVO ad was specifically created to speak to our target audience about that fact that we had a very large prepaid mobile data package on the market that is the most generous and best priced prepaid plan on the market at this point in time.*

*The advertisement portrays that other Telcos are not able to offer this kind of data inclusion for the same price and still have access to the speeds of 4G and no contract. Thus, the reference to 'leaving you' – ie leaving the existing Telco and getting the data inclusion to what is required for streaming music and sport and also 'size matters', as in this case the size of the data plan is one of the main selling points and does in fact matter.*

*However, in light of the concerns raised by the complainants, OVO Mobile has decided to pull the advertisement in question from broadcast. The spot plays on common innuendo and was intended as a harmless, fun and frivolous play on words, and certainly nothing more. No malice was ever intended. We appreciate the response from the complainants and in light of their opinions we've decided to pull the advertisement – It was never our intent to offend any members of the community and as our brand is a family-oriented brand we of course want to avoid the potential of offending anyone further.*

## **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 is sexist and demeaning to men.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this radio advertisement depicts a woman complaining about the data limitations of her phone plan and she refers to how she is going to leave her provider to find another one who has a better data allowance. She describes the new plan and states that "size matters."

The Board noted it had previously upheld complaints about a television advertisement for the Advanced Medical Institute in case 0343/14 where the Board determined that the advertisement "ridicules men with sexual performance issues and implies that these men should be thought less of as a result of their conditions."

In the current advertisement the Board noted the reference to ‘you can’t get it up’ and ‘size matters’ and considered that this is a double entendre intended as a reference to sexual performance. The Board noted that the advertisement is quickly revealed to be for a telecommunications provider and that the reference is linked to getting the data allowance up and that the size of the data allowance is important.

The Board noted that the references used are a mild double entendre that are in poor taste but does not leave a message that ridicules men.

In the Board’s view the advertisement is light hearted and does not discriminate against or vilify a person or section of the community on account of gender. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then 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 the complainants’ concerns that the advertisement depicts a woman referring to her telecommunications provider using references that are of a sexual nature.

The Board noted that the advertiser’s response that they have voluntarily removed the advertisement so as not to cause further offense. The Board noted that while the advertisement was in poor taste and did use sexual innuendo to deliver their message about greater data allowance, in the Board’s view the references were subtle and quickly clear that they weren’t sexual. The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children.

The Board 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 Board dismissed the complaints.