



Case Report

1	Case Number	0173/15
2	Advertiser	Lagoon Restaurant
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a chef talking about having an open kitchen in a restaurant and we see him in the kitchen cooking various dishes including a snapper dish which he describes as "orgasmic". He then says that they won an "I love food" award and the final screen shows the Lagoon Restaurant logo and a Foxtel logo.

THE COMPLAINT

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

In describing one of his dishes (the whole snapper) he calls it "orgasmic" which I feel is inappropriate for morning tv or in children's viewing hours actually.

THE ADVERTISER'S RESPONSE

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

The ad was placed in all appropriate spots in accordance with the classification provided.

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 complainant’s concern that the advertisement features the word ‘orgasmic’ which is not appropriate for a broad audience which would include children.

The Board viewed 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 television advertisement features a chef promoting the food at the Lagoon Restaurant and that he describes his favourite dish as ‘orgasmic’.

The Board noted the Macquarie Dictionary definition of orgasm:

1. Physiol. A complex series of responses of the genital organs....
2. Immoderate excitement
3. To experience an orgasm – orgasmic, adj.

The Board considered that while the word ‘orgasmic’ is sexual in origin the dictionary definition reflects the changing use of the term to mean a high level of enjoyment in something which is not necessarily related to sex.

The Board noted that the use of the word in the advertisement is to describe the taste of a meal and considered that this description is consistent with the dictionary definition of ‘immoderate excitement’ and is often used in common Australian vernacular to indicate pleasure with something which is not sexualised. The Board noted that there is no nudity in the advertisement and no sexual images or sexualised material and considered that overall the use of the word ‘orgasmic’ to describe the chef’s pleasure at eating a particular dish is intended to refer to his satisfaction with the taste of the dish and not a sexual reference.

The Board noted that the advertisement had been rated ‘PG’ by CAD and considered that overall the use of the word ‘orgasmic’ in the context of a meal is not inappropriate and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted it had recently upheld an advertisement featuring the word ‘orgasm’ in case 0555/14 where:

“The Board noted that the text on the van reads, “women fake orgasms because they think men care”...

...The Board noted that the term ‘orgasm’ is understood to mean “the climax of sexual excitement

and.....agreed that although the word ‘orgasm’ is the correct word for the sexual act, in the context of a vehicle able to be seen by a broad audience the phrase is strong and brings the idea of sex and sexually related activities to the viewer which would include children.”

In the current advertisement the Board noted that the word ‘orgasmic’ is clearly being used as an adjective to describe food and considered that in this context the word has lost its sexual connotations and is most likely to be understood as a reference to liking or enjoying something immensely. The Board noted that some members of the community would prefer that this word not be used given its origins as a reference to a sexual act but considered that language regularly evolves and in this instance the word is being used in a non-sexualised manner which most members of the community would not find to be inappropriate, strong or obscene.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.