



Case Report

1	Case Number	0221/13
2	Advertiser	The SEO Company Australia
3	Product	Information Technolo
4	Type of Advertisement / media	Radio
5	Date of Determination	10/07/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A male voice over says, "You can't get it up can you? You poor bugger." He then goes on to say that his name is Oliver and he works for the SEO Company and he can help get your website up on page one of google searches.

THE COMPLAINT

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

Insinuates that a male if having problems with erectile dysfunction.

THE ADVERTISER'S RESPONSE

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

The advert ran last year for a period of approximately 18 months on 92.9 and 94.5FM without any issues.

The advert is solely focused on getting websites up on Google, admittedly it's worded to have impact whilst being a spoof of some of the other adverts at the time.

Personally I feel this gentlemen whom has made the complaint is being a tad sensitive.

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 suggests a man is having sexual difficulties.

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 is for a company which, using search engine optimization techniques, can help websites appear higher up on Google search results and that the voiceover says, “You can’t get it up can you?”

The Board noted the complainant’s concern that the advertisement is suggestive of erectile dysfunction and considered that whilst the first part of the advertisement could be interpreted as referring to erectile dysfunction the double entendres are relatively mild and unlikely to be understood by children, especially as the advertisement does go on to make it clear that the voiceover is talking about getting websites up on Google.

The Board noted that the advertisement could be heard by children however the Board considered that the content was mild and not inappropriate for a broad audience which could include children.

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

The Board 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 and strong or obscene language shall be avoided”.

The Board noted that the voiceover says, “You poor bugger” and considered that consistent with previous determinations (0248/11) the word was used in a manner which is consistent with colloquial usage in Australia and that it was not used in a manner which is aggressive or demeaning. The Board noted that the advertisement could be heard by children but considered that most members of the community would consider that the language used in the advertisement was not inappropriate and was not strong or obscene.

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

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

