



Case Report

1	Case Number	0224/13
2	Advertiser	BSQ Productions
3	Product	Entertainment
4	Type of Advertisement / media	TV
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

Promotional advertisement aired in Tasmania for the Old Fella and Benchmark Tour. There is a clip of Benchmark singing followed by a clip of the Old Fella telling a joke about why Viagra is like a trip to Disneyland.

THE COMPLAINT

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

It starts with the word "Viagra" and then a long pause. It goes on to joke about sexual matters. I do not want my children repeating this at school, in town, to each other, etc! They don't know what it means, but I would rather them not walking around parroting off things that they don't know. This ad is teaching kids that Viagra is something to do with sex. The ad is very suggestive and I don't think its appropriate while i'm watching a morning show rated G.

THE ADVERTISER'S RESPONSE

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

Rod (The Old Fella) is one of Australia's most popular comedians, working an average of 4 gigs per week in his own right to an average audience occupancy of over 90%. "The Old

Fella and Benchmark" show has already conducted 15 shows to over 4,200 people in Queensland, New South Wales and Tasmania. In marketing this show to date we have produced over 25,000 posters and flyers and many newspaper advertisement, as well as radio and TV commercials. Up until this complaint, both The Old Fella as a single act and The Old Fella and Benchmark show, have not received a complaint of any kind.

Response

We are very conscience of the show's material from The Old Fella's perspective. Therefore from the very beginning we have implemented the following classification strategies:

- Given the show a PG (Parental Guidance) classification;*
- Not introduced a child or family price show tickets with the three main ticket categories being Adult, Seniors and Pensioners;*
- Included the text "Parental Guidance Recommended" on all printed advertising such as posters, flyers and newspaper ads (refer attached A2 poster from our Tasmanian tour);*
- Ensured that all TV commercials have the necessary Free TV's Commercial Advice Department (CAD) classification approvals.*

Regarding the commercial in question, various Old Fella and Benchmark material were sent to Southern Cross Austereo, who chose the material (including the joke in question) and produced the commercial. It was sent to us for approval, and after a positive review from both The Old Fella and Benchmark approval was given. Southern Cross then sought CAD classification and scheduled the commercial accordingly.

It is heartening to note that the Commercial Advice Department (CAD) rated the commercial as PG, which is exactly the same as the rating we put on the show from the very beginning. It is also heartening to know that the TV commercial in question was only broadcast under the guidelines of the PG classification as rated by CAD.

It also should be noted that the Viagra joke in question was performed by The Old Fella on Australia's Got Talent viewed by over 2.5 million people with no known complaints from the viewing public.

Conclusion

We do understand the complainant's concerns and we are sorry if they feel offended in any way. However, right from the very beginning, we have endeavoured to keep the PG rating of this show very much in the forefront of our marketing. Also, we are confident that this commercial has adhered to all codes and laws in accordance with the CAD rating of PG.

I hope this fully explains our position on the matter and look forward to a positive outcome from the Board's review of this case.

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 concerns that the advertisement features the word “Viagra” which is not appropriate for children to hear due to its sexual connotations.

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 the advertisement features footage of the Old Fella telling a joke about Viagra. The Board noted that this joke was also aired on prime time TV when the Old Fella appeared on Australia’s Got Talent. The Board noted that the advertisement had been rated PG by CAD and that the complainant had viewed the advertisement during a PG timezone.

The Board noted the complainant’s concerns about the sexual nature of the word “Viagra” and considered that whilst most adults would be aware of what Viagra is used for, in the Board’s view most young children would not know what Viagra is and would be unlikely to understand the meaning of the joke. The Board considered that the content of the advertisement is relatively mild and that it is not inappropriate for viewing by the relevant PG audience which could include children.

The Board considered that the advertisement 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.

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