



Ad Standards Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited  
ACN 084 452 666

## Case Report

1. Case Number :	0234-21
2. Advertiser :	Pilot Mens Health
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	25-Aug-2021
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement features an Olympic-style track running event, with commentary overlaid. A man starts running early, 'jumping' the starter's gun and celebrating at the end thinking he has won. Only then does he realise that the race has not yet begun.

### THE COMPLAINT

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

*Don't think I should have to explain premature ejaculation to my 9 year old daughter while we are watching speed climbing at the Olympics! Those ads should be on later at night. Very inappropriate.*

*I was horrified to see an ad for a sexual issue in the middle of prime family viewing time, not only once, not twice, but three times in the space of only 4 minutes! This is absolutely appalling. These ads have no place during family viewing times. It needs to be removed immediately.*

*The online channel this appeared on was showing Skateboarding which is a sport that appeals to a younger audience. I had my son watching it only 20 mins prior to the add showing up and he is only 12. That is not appropriate content for that channel nor that time of day.*



*My kids were watching the olympics with me and this advert came on. Inappropriate for the age and time of viewing*

#### **THE ADVERTISER'S RESPONSE**

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

*Premature Ejaculation is a real medical condition that affects 21–31% of the Australian adult male population (Royal Australian College of General Practitioners) - <https://www.racgp.org.au/afp/2015/october/premature-ejaculation-a-clinical-review-for-the-general-physician/>*

*This advertisement sets out to both normalise this condition, and deal with the issue in a sensitive, human and metaphorical way.*

*We have a responsibility as a society not to brush these issues under the carpet, but to give them sunlight and to hopefully provide a platform for men to take better care of their mental and physical wellbeing.*

*To respond more directly to Section 2.4 of the Code of Ethics. The ad in question does not feature sex or nudity, and deals with medical aspects of sexuality in a sensitive and metaphorical way. The objection, then, must centre on the use of the name of a medical condition (officially acknowledged by our own Australian medical bodies).*

*We hope that society has not progressed so far in some areas, and little in others, that we deem use of this official terminology to be obscene.*

*We would submit that finding in favour of this complaint would contravene the spirit of Section 2.6 which seeks to reflect Prevailing Community Standards on health and safety.*

#### **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement is inappropriate in a timeslot that children were watching.

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

**Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:



*“The use of the word “sex” does not, of itself, make an advertisement unacceptable. However, such advertisements must not contain images that are overtly sexual and inappropriate having regard to the relevant audience.”*

### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the advertisement contained the phrase ‘premature ejaculation’ and that this was a reference sex, although the advertisement did not contain a depiction of sex.

### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the story of the advertisement was a metaphor for premature ejaculation, and the voice over directly references premature ejaculation and that the overall advertisement does contain a recognition of sexual matters.

### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the people featured in the advertisement were fully clothed and the advertisement did not contain nudity.

### **Are the issues of sex and sexuality treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement was played on TV on Demand, and therefore did not require a ClearAds rating. The Panel noted that the advertisement was played during the Olympic Games coverage, and therefore the relevant audience was likely to be broad and include children.



The Panel noted that the visuals of the advertisement were not sexualised. The Panel considered that the content of the advertisement was not overtly sexual and would not be understood as sexual by young children.

The Panel noted that the advertisement directly mentions 'premature ejaculation' and considered that this was a sexual term which would not be understood by young children.

The Panel acknowledged that parents may prefer not to have terms such as 'premature ejaculation' appear on television to avoid uncomfortable conversations with their children. However, the Panel considered that the overall advertisement was not explicit, did not state the sexual nature of the term 'premature ejaculation' and overall treated the sexual topic with sensitivity to the broad audience.

#### **Section 2.4 Conclusion**

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

#### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.