



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0254/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Supplemax</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

A woman's voice states "Why do as many as 20% of men and women in relationships have affairs? The sex is better." She then goes on to say that Supplemax can be used for many sexual problems; "Supplemax, for a powerful satisfying sex life. Go to S-max - that's S-max.com.au or call 1300 975 875."

### THE COMPLAINT

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

*This advertisement is unethical. It plays on the fears of people in relationships by suggesting that their partners will be unfaithful if the listener doesn't use Supplemax. It is inaccurate by suggesting that a person is very likely to cheat in a relationship if they are unable to climax, and also puts pressure on women listening to the ad who have trouble climaxing. It also creates unrealistic expectations and pressure on couples.*

### THE ADVERTISER'S RESPONSE

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

- *Unethical – Please explain what about the advertisement is unethical? We are trying to help men and women who need the help. We feel that many people suffer from these problems on an ongoing basis and that to provide help for them is not unethical in any way shape or form.*
- *Plays on fears of people by implying partners will be unfaithful if the listener doesn't use Supplemax – Supplemax are portraying this as a serious problem as it IS! We experience many relationship breakdowns due to problems in the bedroom from many of our patients, our aim is to help, not exploit, but seeing as it is a sensitive topic, we must urge the importance of getting help for a problem that can be avoided. By no means does Supplemax imply that a person's partner will leave them if they don't use our products. We are making sufferers aware that Supplemax is available so that people can receive help from us IF they suffer from these problems and are going through similar circumstances. If not climaxing in the bedroom is a "fear" that people have, then that can be countered by seeking help, therefore taking away the "fear" imposed from the problem they suffer. Please note, that more than 50% of men suffer from problems in the bedroom at some point in their life; most men don't seek help as they don't know there is help out there.*
- *Cure – By no means does Supplemax imply that we "cure" people, in most cases, patients are able to reach rehabilitation, we do not guarantee a "cure", we guarantee results at Supplemax.*
- *Very likely to cheat in a relationship if they cannot climax – This is not what we imply, we imply at Supplemax that this may be a consequence of the problem escalating further. We think that having a healthy sex life is a very important part of any relationship, therefore by overcoming problems like not being able to climax, it will help people to enjoy their relationships that little bit more.*
- *Put pressure on women listening to ad who have trouble climaxing – If women have trouble climaxing then obviously it is a problem, we place this advertisement on the radio to try and help these women, there is no pressure involved as the listener of the advertisement, as it is YOUR choice at the end of the day to seek help or not.*

## **THE DETERMINATION**

The Advertising Standards Board ('the Board') considered whether the advertisement complied with the requirements of the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that the advertisement suggests that people will have affairs if they do not use the product and places unrealistic expectations on people.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that the product is a sex related product and that references to sex or sexual relations are relevant. The Board noted that the advertisement refers to 'Have affairs', 'sex', 'powerful satisfying sex life'. The Board noted that there are repetitive references to sex. The

Board noted that the advertisement is a radio advertisement and hence is capable of a broad listening audience. However the Board noted that people can choose from a number of radio stations and can turn off the radio if concerned about the content of material. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 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 considered that some members of the community may be offended by the use of sexual terms in the advertisement but considered that the words were relevant to the product and therefore not inappropriate. The Board also considered that most people would consider that the use of the various terms in the advertisement would not amount to inappropriate or strong or obscene language.

The Board determined the language used was not inappropriate and that there was no breach of Section 2.5.

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