



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0287/18</b>
2	<b>Advertiser</b>	<b>Innova Derma</b>
3	<b>Product</b>	<b>Health Products</b>
4	<b>Type of Advertisement / media</b>	<b>Internet</b>
5	<b>Date of Determination</b>	<b>20/06/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement is for a sex aid for men. The advertisement features comedian Paul Verhoeven as “Your Dick Richard”. The advertisement presents hypothetical scenarios in which a man may experience premature ejaculation, and these are presented in humorous ways such as a champagne bottle being opening and popcorn exploding. The advertisement demonstrates how to use the product using an eggplant as a representation of a penis. The advertisement also shows other products in humorous ways, such as numbing sprays where the spokesman is sprayed in the face, and hypnotism where a phallic shaped sex toy is floated above him.

## THE COMPLAINT

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

*It is the ad for the show every single time and is then repeated straight afterwards. It is exceptionally offensive and shows imitation masturbation and also constantly uses the work DICK, not appropriate nor is the repeated nature of the ad.*



## THE ADVERTISER'S RESPONSE

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

*RE: INNOVADERMA "SMILING DICK" INTERNET ADVERTISEMENT  
COMPLAINT REFERENCE 0287/18*

*We refer to your letter dated 8 June 2018 in relation to the above referenced complaint. The substantive elements of our response are as follows.*

*We confirm it was unclear from the complaint which Advertisement the complaint related to as two Advertisements of differing lengths have been shown on Daily Motion, an online video sharing technology platform. However, we have now deduced the complaint must relate to the Advertisement which runs for 2 minutes and 41 seconds.*

### *A description of the Advertisement*

*The Advertisement is for Innovaderma's product, Prolong Climax Control Training Program ("Prolong"). Prolong is a medical device developed by world leading clinicians in sexual health and medicine to assist men to overcome issues relating to premature ejaculation. The product has been patented in 72 countries and cleared by the Therapeutic Goods Administration in Australia. It provides a cost-effective alternative to cognitive behavioural therapy to assist men with treating this condition.*

*The campaign for Prolong is named "Smiling Dick" and Advertisements feature comedian Paul Verhoeven starring as "Your Dick Richard". The Advertisement which is the subject of the complaint ("the Advertisement") explains in a light-hearted fashion how the product works and details its benefits using a range of comical references, imagery and euphemisms.*

*The Advertisement was shown during the New Tricks program on Daily Motion, the online video sharing technology platform. New Tricks is aimed at an adult audience and it is not targeted at children. This means that the Advertisement was targeted to adults and the digital ad buy was also structured accordingly.*

### *Our comprehensive response to the complaint*

*Innovaderma has considered the complaint and the Advertisement in question in light of the provisions of the AANA Code of Ethics ("the Code"), in particular sections 2.2, 2.4 and 2.5. The Advertisement is intended to educate viewers about the product in a light-hearted and humorous way. The way this message is delivered is in contrast to many advertisements for products in the same category which often provoke shame*



*and guilt about premature ejaculation, a treatable medical condition. The Advertisement uses language reflective of the medical and sexual health category which it relates to, particularly in relation to symptoms, condition and treatment of premature ejaculation.*

*The Advertisement as a whole uses metaphors and imagery to allude to the consequences of having the condition, without directly stating them, so as not to be overtly graphic or off-putting, even for more sensitive adult viewers. For example, instead of using the word 'ejaculation', the actor refers to 'early manly misfires'.*

*Further, the fact is that, as a long-form online video Advertisement, this Advertisement is viewed by option rather than by force, and there are various avenues open for viewers who may prefer to avoid listening or watching the Advertisement.*

*Regarding the complaint, it states that it shows "simulation masturbation". This is most likely in reference to where Mr Verhoeven uses an eggplant to show the clinical method (technique) for using the Prolong device. This scene is a demonstration of the product functionality and a way of showing viewers how they might use the device. As the device is a proper clinical treatment for premature ejaculation, it naturally follows that there is some sexual undertone in the communication of the product's function. Ignoring this, or ambiguously hinting at how the product may work would potentially be unclear, or worse, misleading or deceptive. Simply, it would be impossible to show how the device is utilised and make potential buyers comfortable about the operation of the device without alluding to or simulating the movement required to operate it. The use of a vegetable when showing how the product works demonstrates that Innovaderma is treating the sex-related content with sensitivity to the relevant audience.*

*Whilst the undertones of the Advertisement may be humorously sexual, the product's usefulness and effectiveness is demonstrated in a clinical manner. Further, the words 'masturbation' or 'ejaculation' are not used in the Advertisement, nor are those actions directly shown, they are merely alluded to with metaphorical imagery of food and beverages. As a result, we strongly deny the Advertisement breaches section 2.4 of the Code as, despite the product directly relating to sex, it treats the issue with sensitivity by employing alternate wording and imagery. Indeed, if somehow a child were to come across the Advertisement, it is contended that the meaning would be entirely lost on them and 'go over their head'.*

*The word 'Dick' is used throughout the ad as the name of the main character is "Your Dick Richard". When the main character states "I'm your Dick" he is referring to his fictional name but also indirectly referring to the product which is being advertised, given the colloquial term in common parlance, thus playing on a cheeky adult audience-specific double-entendre. The word 'dick' is not classed as 'strong or obscene language', it is a common euphemism for the word penis and used in everyday*



*situations which are not intended to cause offence. It is appropriate in the circumstances as the Advertisement is marketing a product which treats premature ejaculation and thus associated with penises, focused on and directed to an adult audience. Further, Dick is a common abbreviation of the name Richard; naming the character in this Advertisement Dick is a humorous and crafty way to market the Prolong product.*

*Innovaderma has also considered the applicability of section 2.2 of the Code and concluded the Advertisement does not employ sexual appeal in a degrading or exploitative manner. No characters in the Advertisement are degraded or humiliated, rather the Advertisement empowers men to address an underlying and prevalent men's health issue.*

*It is Innovaderma's view that the complaint is not reflective of the general perception of the Advertisement or of the broader campaign, which has been well received.*

*On the above bases, we submit that the Advertisement does not breach provisions 2.2, 2.4 and 2.5 of the Code. Further, we submit that the Advertisement does not breach any other provisions of the Code.*

**RESPONSE EDITED TO ADD:**

*I refer to our earlier letter responding to Complaint Reference 0287/18 and I'd like to provide the following further information for your consideration.*

*Daily Motion is a video-sharing platform in which most content is user-submitted. It is very similar to YouTube. The program that the complainant was watching on this platform does not appear to be any official broadcast of the program. Programming itself is not subject to classification however, the platform does have a "family filter" setting which enables parents to ensure certain content on the site is not shown to minors when the family filter is on.*

*Further, and most relevantly, Daily Motion delivers targeted advertisements to users on the basis of the content they have previously viewed on the platform. When the media was booked, InnovaDerma requested that the advertisement be targeted at users who are male and aged 25 – 55 years old. This was to ensure that the advertisement was shown to its intended target audience only.*

*Lastly, we confirm that there is a skip function enabled on the advertisement to allow a user to skip the advertisement if they do not wish to see it.*

## **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 complainant’s concern that the advertisement depicts masturbation and used offensive language.

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

The Panel 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 Panel noted the complainant’s concern that the advertisement depicts masturbation.

The Panel noted this internet advertisement appears on a video streaming website similar to YouTube and played prior to an episode of a downloaded British television drama. The Panel noted that the product is a masturbation aid designed to assist with premature ejaculation. The Panel noted that there are two versions of this advertisement. The first version is 2 minutes and 40 seconds long and the second version is 30 seconds long. Based on the complainant’s description of the advertisement the Panel considered both versions together.

The Panel considered the scene in the advertisement that appeared to depict masturbation, and noted that it involves a man stroking an eggplant with the product. The Panel noted that the eggplant emoji is a current and common depiction of a penis. The Panel considered that this scene is demonstrating how the product is used, and is not overtly sexual. The Panel noted that some members of the community may prefer that this type of product not be advertised, but considered that advertisers are permitted to advertise their products within the bounds of the Code.

The Panel also noted a scene in the advertisement that depicts a man laying on a couch while a phallic shaped sex toy floats above him. The Panel considered that this is a metaphor to a pocket watch stereotypically used in hypnotism.

The Panel noted that there are several double entendres and innuendo’s used in the advertisement. The Panel considered that the advertisement is factually presented and uses humour to present the information.

The Panel noted the advertiser’s response that they selected a demographic of men aged 25-55, but do not have control over which videos the advertisement appears before.

The Panel noted the advertiser’s response that there is a skip function on the first



version of the advertisement, and noted that the second version does not have the implied masturbation scene.

The Panel considered that the imagery used in the advertisement is product relevant and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which is very unlikely to include children.

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

The Panel 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 Panel noted the complainant's concern that the word 'dick' is used frequently throughout the advertisement.

The Panel considered that the complainant viewed the 2 minute 40 second version of the advertisement as they referred to the word 'dick' being used constantly, and the word is only used twice in the 30 second version.

The Panel noted that the man in the advertisement is introduced at the beginning as 'Richard' and considered that 'Dick' is a common nickname for Richard.

The Panel considered that the word is not used in an aggressive or sexually suggestive manner, but rather is used as a humorous reference to the product's use.

The Panel noted that the complainant was viewing a BBC police procedural program on the internet and considered that the audience was very unlikely to include children.

The Panel considered that the actual language used in the advertisement is not strong or obscene. The Panel noted the repeated use of the word 'dick' became less acceptable but considered that overall the word 'dick' is relevant to the condition being treated and is not strong or obscene language in the context of promoting a sexual assistance product.

The Panel considered that the advertisement did not use strong or obscene language and that the language was not inappropriate for the relevant audience which is very unlikely to include children. The Panel 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 Panel dismissed the complaint.

