



Case Report

1	Case Number	0308/10
2	Advertiser	Browne's Foods
3	Product	Food and Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

We can hear girls giggling in the shower then a male voiceover says, "And now - two hot girls in the shower." The girls can then be heard saying the water is hot and that there are bubbles, before the voiceover continues with "That was awesome. Just like the great new taste of Brownes Choc Chill - now with added awesome."

THE COMPLAINT

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

The advert is played in a time slot where I was travelling in the car with teenage children after school. I have also heard it played in a time slot where we are travelling to school. It is obviously very sexually suggestive and inappropriate in this time slot and not in any way related to milk drinks.

THE ADVERTISER'S RESPONSE

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

Our “Choc Chill - with added awesome” radio ad, is targeted at 15 – 24 year olds with a males skew. This is coincidentally the hardest target market to reach. All research shows that to get noticed by these younger males you need to get their attention first. There are 2 x radio executions the first is a “drum solo”, the second is the “Two girls in the shower”

Our advertising agency developed the creative and we are confident that it will have cut through with our target market. The idea was to play out scenarios young males would deem Awesome - and credibility with this audience is an absolute MUST!

With all our campaigns we are aiming for maximum cut through to increase our sales. We also know that our advertising will not always be liked by everyone. It is not our intention to disgust or alienate any consumers.

The radio campaign will finish this Saturday, 10th July 2010.

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 is sexually suggestive, inappropriate to a time zone when children can listen and not related to milk drinks.

The Board first considered whether the advertisement met the requirements of section 2.3 of the Code which is that advertisements ‘must treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.’

The Board noted that the radio advertisement is suggestive of two women in a shower. The Board noted the advertiser’s response and that, regardless of the target audience and the need to ‘cut through’ to this audience, the advertiser must consider the requirements of the Code in designing its advertisements. While undoubtedly meant to have a sexual overtone, the Board noted that the radio advertisement only contained sounds of the girls giggling in the shower and did not contain explicit or overtly sexual sounds. The Board noted that this is a radio audience with a potentially broad audience but noted also that listeners choose the station that they listen to and that particular stations will have different types of material. In all situations the listener is free to change stations or turn off the radio if they believe that the material on the station is inappropriate for them and their passengers. The Board considered that this advertisement was mildly sexually suggestive but that it was not inappropriate for the radio audience. The Board determined that the advertisement treated sex with sensitivity to the relevant audience and that the advertisement did not breach section 2.3 of the Code.

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

