



Case Report

1	Case Number	0315/10
2	Advertiser	Advanced Medical Institute
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	28/07/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Three men are shown running in a comic style round a track. There are three beds on the track and when the men reach them, they jump in and start simulating sex with what appear to be blow up dolls. The man who reaches the bed last is the first to finish, he jumps out of the bed, adjusts his shorts and then runs over the finishing line. The words "Coming first doesn't always mean you're a winner" appear on the screen. Call or text Longer to AMI now 1800 707010"

THE COMPLAINT

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

I'm aware of the time of screening but I still object to seeing men portray sex acts on tv without warning. It's crude and foul.

I do not believe there is any need for this type of material to be on the air at all let alone during daytime TV. I found the men having sex with dummies to be offensive. My husband agrees with me and we are not easily offended.

It's bad enough we have these add constantly on Radio and TV but this is taking it a further step. When will the breaks go on these ads they seem to get more risky? I have seen this add over a two day period a lot and my daughter (4) has seen it too I do not need my daughter to view this sort of thing She's 4. REALLY NOT HAPPY would like something some about this add otherwise I will stop watching Channel 10 in hope I can protect both my daughters from such smut. Why should we have to worry about our children viewing this sort of thing

during the middle of the day. People wonder why our kids are growing up so fast well were are the standards. I am by no means a prud and understand men have such issues why why should my children learn about them too.

The ad clearly depicts men in bed with three ""pretend"" women undertaking some activity - obviously sex. The problem I have is it was shown during day-time viewing and my 4 1/2 year old saw it and wanted to know what they were doing. Depictions of sex are completely unnecessary during day-time viewing. How can we teach our children about healthy sexual relationships when they get bombarded with overtly sexual images from such an early age and this is portraying it as a ""game"" a ""bit of fun"" and a competition. I understand the ad is targeting adults - so it should be shown at adult times. I'm an adult and I find it completely disgusting I don't want to see any more of these ads myself and consider them juvenile and vulgar. Thankyou for considering my complaint.

I found this advertisement to be crude tacky and not suitable for television especially at this time of day.

ABSOLUTLY NOT NEEDED ON TV AT ANY TIME.MY CHILDREN DO NOT SHOULD NOT HAVE TO SEE THIS ON FREE TO AIR TV AT ALL.WHEN THE DAY COMES THAT XXX IMAGES ARE FREQUENTING OUR TV s OUR SOCIETY WILL BE BEYOND HELP.DOES ANYONE LET THEIR OWN CHILDREN HAVE FRONT ROW SEATS TO THEIR OWN SEXUAL FANTASIES ? IDONT THINK SO PLEASE KEEP THIS CRAP OF THE LAST WINDOW OF FREE LEARNING OUR CHILDREN HAVE.

Ridiculous!! Sick to death of these stupid ads. Not one single person I have mentioned these ads to think they are effective funny informative useful etc etc. Children see them and question mummy. The same with the men playing piano with their penises - stupid. How do we explain these to our children. And on the radio also. My daughter asked me what premature ejaculation was!!!! I am so so so thoroughly sick of these ads!!! Everyone is!!!! If it wasn't so (deliberately?) difficult to complain there would be far more complaints and these ads would be banned. Who cares if a man can't produce a lasting erection? NOT ME!!!!!! Can somebody out there please consider the children of our society for once?? I WAS COMPLETELY APPALLED AND TAKEN ABACK THAT SIMULATED SEX WITH A PLASTIC INFLATABLE FEMALE COULD BE AIRED DURING A LUNCHTIME SLOT VERY DISTASTEFUL OFFENSIVE I COULD GO ON & ON IF THEY HAVE APPROVAL TO AIR THIS KIND OF RUBBISH WHAT HAS THE WORLD COME TO! we have lowered our standards!. AS A PARENT I HAVE NO CONFIDENCE IN THE STANDARDS BEING SET.

the depiction of a sex scene . i am the mother of an 8yrd and i dont think he needs to be exposed to that kind of scene at his age.

It is disgusting that this kind of ad would be shown at all let alone during time slots that children have access to television. There must be some sort of standard for commercials like this. It is one thing to elude to these things but this commercial left nothing to the imagination it is disgusting and offensive. This is why there are no standards today because anything and everthing is shown on tv. My children or anyone else children should not be subjected to such foul footage.

The simulation of intercourse with a blow up doll

This add shows penetration to a blow up doll and men pulling up and down their pants. The sexual content of this ad should not be shown on free to air television. Could you sit in a room with your mother or father whilst this add is being aired?

The whole add is offensive even to my husband. The way they started off in a running race got my three young boys interested and then when they jumped into the bed and acted like rabbits my children and ourselves were really upset about the bad taste of content. We then had to try to make up a reason to the children about what they had just seen. We cant believe

this add was approved what were they thinking? Please take it off the air before it damages more childrens views on what making love should be about. Thankyou.

I switched channels disgusted that we have sunk to this low for advertisements...Sex is a private & personal thing for myself (not concervative at all) children at home elderly its totally inappropriate to see visually these couple of animated men having sex with don't know if human but the sheets then to have the writing on the screen--coming too early....gone a long way from the Life Be In It ad where it was banned because the dog didn't get back into the car for the return trip home....now this..Where are the limits all for financial gain not education..Disgusting use of private intimacy between 2 people no wonder we have so many society problems teenage sex abuse & de-sensitizing of youths minds aren't they exposed to enough already. I hope my children NEVER see it.

The fact that this showed males simulatng sex with blow up dolls and then alluded to the word 'coming' is just disgusting. The fact that this ad played in the middle of the day during Ellen (who is watched by families particularly mums at home with small children) and that it even exists is shocking to me.

If this ad must exist surely it should be played after midnigh when all the other highly offensive sex ads play.

This should not exist!! What do you explain to your children? Absolutely disgusted and appalled!!! Get it off. How could this company possible think this is an exceptable way to sell a product. Very poor taste.

Its 1pm i had my father and three young daughters watching televison with me then having to witness three men having sex with blow up dolls even if i had been on my own and 10pm at night i still would object to this highly inappropriate advertisement. If this is the best an advertising company can produce on such a delicate subject of premature ejaculation i would suggest this company be dropped and the people that produced it be sacked.

I firstly object to the time of day this was broadcast as I have children in my home at this time. The explicitness of the men having intercourse with a teddy bear even if it was simulated was not necessary. We found this VERY OFFENSIVE! try explaining it to your children.

The content of this advertisement is offensive to the general viewing public and should not be shown at this time slot and not during a program viewed by all age groups including children and the elderly. There was no warning as to the content. If a gentleman has this problem then it is a medical issue and advertising should be linked to medical programs or at least at a time when those of us who have been offended are not likely to be watching after 9.30pm and especially not when children in the company of care givers and others are consuming their lunch. Advertising billboards for this same product it does not seem to have a particular name have already been found to be offensive and either taken down or the content changed within in my city. Yes I am a woman and you might think that is why I have been offended but I was accompanied by my husband and his feelings are the same. I believe my complaint comes under your Section 2 of the AANNA Code of Ethics - Portrayal of sex/sexuality/nudity.

The advertisements portrayal of men having sex with a blow up doll was offensive and not at all suitable for day time tv. To have to explain to young children what the men were doing puts parents in an awful situation. The advertisement is tacky and I personally think its a very sad state of affairs that we in Australia think its suitable to advertise these products in this manner on television.

I had the TV on Monday lunchtime and my 14 year old son was watching this ad and he even thought that it was going too far. I find this ad very offensive and feel that advertisers are overstepping the boundaries when it comes to what's allowed to be shown on TV and aired on radio.

I feel that the airing of this advertisement should cease.

The advertisement is a disgrace and should only be screened after 10pm at night (if at all!). I strongly object and this is the first ever letter of this nature I have ever written to any station. At a time when we are watching more of Channel 10 than ever - it looks like we will be watching even less of Channel 9.

1800 707 010 longer which was played in the middle of the day was viewed by my 9 year old has 3 men in bed simulating sex is too explicit and should be kept for adult time slot only. The spiel that goes with it is something along the lines of "coming first is not always a good thing." I understand that this type of advertising could be needed by some people HOWEVER; what I strongly object to is the timing of the ad. I have young grandchildren who are very often watching television at this time of day and am totally horrified that they could be exposed to this.

I used to hate the same type of ads on billboards on the side of the road as they could have the same affect on little children and at the same time are distracting to drivers.

The little ones of this country don't need to be exposed to sex from the cradle. Let them be innocent for a while.

I object to this advertisement as sex is portrayed in such a way that is seen as nothing. That penetrating a blow up doll is seen as sex almost as if a female is not required for sex. I find it disgusting that it shows the thrusting of these men and the way that the advertisement attempts to make humour of a serious human condition which is embarrassing and both destructive to a man. There is no sensitivity at all to the likes of anyone. I am a young man and I feel that like me no man should have to feel disgusted and violated like this. There is already a growing abuse of the insecurities in men and i feel that this is just adding to the problem.

This ad is over the top with it's sexual visualisations. Why should we have to put up with this ""In your face"" advertising. It's just too much. I'm sure that the ad didn't run last week during school holidays and TV stations should not assume that children are at school during this time of the day kids get sick. You really need to revise this ad's showing. I objected to the depiction of a simulated sex scene at a time slot that is Midday TV when children would be watching.

I also find the ad morally offensive as it depicts sex as a race to the finish line a bodily function to be gotten over with as quickly as possible.

It also is extremely offensive to women as it depicts women as sports equipment. The simulation of sex in a tv advertisement is offensive and not appropriate for a tv advertisement during the day when children can be watching This particular commercial shows 3 men on a running track running toward 3 beds with 'women' in each bed they then proceed to simulate having sex to prove that 'coming first doesn't always mean you win'.

It then shows one of the men getting out of the bed pulling his shorts back up and running off toward the finish line.

I don't particularly mind or pay too much attention to this company's ads but today I was pretty offended as I thought it was deemed a bit too graphic.....particularly as I have young children.

Many reasons why I object to this ad!

1. *It's sleazy.*

2. *It was shown at midday during school holidays and pupil-free day when children could be watching (I'm referring to children in the 11 - 14 year age bracket by the way who are very impressionable). The Ellen Degeneres show was a program I thought ok for my young teens to watch as she's quite inoffensive. However this kind of advertising belongs with the other sleaze after midnight.*

3. *I'm totally fed up with this bunch of tossers force feeding us their product through in-your-face billboards radio and televisions ads!!*

it was on at midday and clearly displayed men having sex with blow up dolls in beds.

disturbing

I am offended by the simulation of sexual intercourse on daytime tv and the use of 'sex toys' in the ad.

I found the ad offensive in a sexual manner and didn't appreciate having to explain it to my children. It was a portrayal of sex and extremely inappropriate for lunch time television viewing.

Come on we do not need to advertise products to last longer. Having sex with dummies is totally inappropriate and should not be on our daytime television when children are watching. Billboards also advertising longer lasting sex is also inappropriate also by this company.

I really don't see why day time tv should be subjected to this visual especially when there are toddlers in the house(4yr olds). I think it should be for a later time slot. And this isn't the first AMI add that i don't think is appropriate for daytime time slot. And every commercial break please give me a break.

3 guys having sex with blow up dolls in my lounge room during the day where children also reside. Also the use of the words 'cumming' in the script is absolutely disgusting. I don't see it fit for any advertiser to stoop this low and to be allowed to get away with it - ESPECIALLY in this timeslot.

I have two children and this is totally unacceptable for them to see this sort of advertisement! There is enough sexual content on TV these days withoout having to add to it by having 3 men perform sex in a bed on TV!!!!

To see people having sex with a blow up doll is not appropriate for a TV advertisement i'm certainly no prude but it's just smutty and not something which people want to see on TV especially during a mid day programme when children are in the house. it's an appalling advert and i'm surprised it even made it onto tv. who wants to see a load of men humping blow up dolls with some inuendo's about coming first. what's going on with this sort of thing on mid day tv?? why are they marketing this advert during a women's show in the first place. what women would watch that and encourage her husband to contact a company with such rubbish tacky adverts.

I find the sexual nature of this advertisement very explicit and obvious. The sexual act is extremely obvious and difficult to explain to pre school children. The wording very confronting using a play on the words 'come first'.

Simulated sex particularly at that time of the day is unnecessary - I'm concerned young children may be watching and it's quite obvious what is happening

My daughter saw it who is 4 and asked what they were doing. It is clearly an inappropriate add to have on during the day when it simulates a sex act. The fact that advertisers have to simulate sex acts to sell their products is in my opinion not suitable for Television and should be advertised in other mediums.

I think the nature of this advertisement is in poor taste. People do not need to see grown men performing sex acts on blow up dolls on their TV screen. Children are home during the day and I am glad that my child was not home at the time as I would not want to try and explain

what the advert was about. It appeared to be about a sporting event in the beginning but soon turned into an inappropriate piece of trash. I do hope this advert is taken off our tv screens. I am very open minded and don't have a problem with adds offering assistance with male sexual health issues (I am assuming this is what the add is all about because NOTHING is clearly stated) but I believe it has been done in an extremely VULGAR way. I don't think this particular add should be aired at any time of day and STRONGLY object to it being shown at lunch time in front of my children. When I contacted Channel 9 I was advised to contact this office and was told that numerous complaints had already been made. This is the first complaint I have EVER made but felt I had to as I was absolutely shocked that such an add ever made it to live TV !!!! There needs to be standards BEFORE anything is released to the general public and it should be mandatory that a company name is clearly displayed somewhere within the add.

This ad was on during the day portrayed the act of sexual intercourse explicitly and advertised things completely inappropriate. This ad has no place on day time tv afternoon or even night time tv. It's crude rude and degrading to men and women. Please take it off NOW. I can't believe this has been approved by channel nine and it's employees. These kinds of ads are becoming more and more common. Standards need to be enforced BEFORE going to air not after.

I object to the display of simulating sex acts on TV. The disgusting way in which a woman is equated with a blow up doll is degrading and demoralising. I have concerns that the advertisement was overtly sexual and demeaning

to women. I have also alerted the broad caster re the scheduling of what they inform me is a M+ ad in a PG timeslot on a school free day in Brisbane Queensland.

I was folding my laundry with my 5 year old and watching Channel 9 at 2pm today when this ad came on.

I was APPALLED to say the least that this ad exists but also that it came on at around 2pm in the afternoon! It should be banned until after 9pm for adults only. And personally I think it should be banned for good!

my 5 year old son was able to see the ad has it was on at an early tiime of the day i think the sexual content was inapropiate and a little to full on for day time tv showing men have sex regardless of whether they were under the covers is not on

I am writing this letter to complain about the advertising of erection problems shown on channel 9 during the afternoon programs.

THE ADVERTISER'S RESPONSE

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

As you know, commercial television ratings guidelines have been developed by Commercials Advice Pty Limited (CAD) to regulate the material that may be included in television programs and advertisements at different time zones and that the ratings guidelines provide detailed guidelines as to whether or not material contained within television programs and advertisements treat these issues appropriately. It's important to note this advertisement was approved prior to broadcast by CAD.

During this approval process, the advertisement was given an M rating, which has been accepted and adhered to by the advertiser. The advertisement has only aired in timeslots

deemed by CAD to have an M rating. This TV advertisement fully complies with the commercial television rating guidelines relating to the times at which the advertisement is run.

As you know, M rated programs are programs which are not suitable for children. As a result, the advertisement is only being shown at times when children should not be watching TV. The timing of these programs and advertisements are generally between noon and 3pm during weekdays (excluding school holidays) and after 8:30 pm. These are times when children are unlikely to be watching television as they should either be attending school (in relation to the daytime advertisements) or in bed (in relation to the night time advertisements) and the advertisements are scheduled at these times, and not run outside these times, for this very reason.

This particular advertisement has a look and feel similar to a "Benny Hill" comedy show. Whilst the advertisement portrays issues of sex and sexuality, the advertisement is clearly a "spoof" which is intending to raise serious issues in a humorous way and thereby encourage men to seek help for this serious health issue from the advertisement that no sexual acts are actually taking place. Furthermore, the advertisement does not use any of the following sexual related words or phrases "sex", "impotence" or "premature ejaculation". We submit that this advertisement is no more offensive than a "Benny Hill" comedy show, a "Kenny Everett" comedy show or a "Dave Allen" Comedy show, each of which are considered appropriate viewing on free to air TV during M rated time slots. Similarly, the advertisement is only run when shows like Oprah and Dr Phil, which also contain sexually themed adult content, are run.

As further evidence supporting this submission, we refer to an independent market research report which was conducted by Galaxy Research on these issues. Galaxy Research is an independent Australian marketing research and strategy planning consultancy. Galaxy Research's credentials are widely recognised and it is the polling organisation of choice for The Daily Telegraph, The Sunday Telegraph, Herald Sun and The Courier Mail. Galaxy Research are also the most frequently quoted source of PR survey information in Australia and Galaxy Research has earned an enviable reputation as the most accurate polling company in Australia, stemming largely from their election polls.

The scope and methodology used by Galaxy Research in undertaking the report was determined independently by Galaxy Research. As you will see from Galaxy Research's report:

S4% of Australian adults do not find the word "sex" offensive in the context of advertising products which treat sexual health problems;

This research is also supported by an analysis of online commentary in relation to these issues. For example, attached is a link to a news story that ran on ninemsn.com, that attracted nearly 200 comments from the public:

• <http://news.ninemsn.com.au/article.aspx?id=663170&source=cmail>

As is evident, these responses clearly demonstrate a prevailing community acceptance of such advertising and further, alarm that the ASB feels it must censor the word 'sex' from AMI's advertisements.

While some people in the community may disagree with the word 'sex', a larger section of the community oppose the censorship of the advertising.

Also submitted are two other discussion forums from previous news stories that demonstrate similar sentiments:

• ABC Online: <http://www.abc.net.au/news/stories/2005/OS/26/2346336.htm>

PerthNow: <http://www.news.com.au/perthnow/comments/O.21590.24239765-2761,00.html>

All of these forums - with comments from hundreds of Australians - show a clear majority of community support for AMI's use of "Sex" in its public advertising.

We believe that each of these forums (and Galaxy'S independent research report) clearly indicate that AMI's advertising is in line with prevailing community standards and is appropriate.

Consequently, whilst the advertisement portrays issues of sex and sexuality, we submit that it does so with the appropriate level of sensitivity having regard to the relevant audience ordinarily watching TV at this program time zone and that there is accordingly no breach of section 2.3 or section 2.5 of the Code. Notwithstanding the foregoing, our client is aware that a vocal minority has made a number of complaints regarding the airing of the advertisement. Immediately after becoming aware of these complaints we are instructed that our client voluntarily restricted the airing of the advertisement to after 8:30pm (subject to M rated shows being run at the same time). We submit that the airing of the advertisement at these times is appropriate and consistent with the Code.

For all of the reasons set out above, we submit that the advertisement does not breach section 2 of the code and that the complaint should be dismissed subject to the advertisement being restricted to times lots after 8:30pm (ie not being shown during the day).

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 number of complaints about this advertisement. The Board noted that concerns were raised about: the inappropriate portrayal of sex acts (with inflatable dolls), the depiction of women as sporting objects and the language used in relation to coming first. The Board noted the response by the Advertiser that the theme of the advertisement was meant to be humorous and of a slapstick nature.

The Board noted that the Advertiser has framed its advertising towards men with a particular medical/health issue relating to premature ejaculation. The Board noted that it has considered a number of AMI advertisements over the years with some upheld and some not. The Board noted that the product is legally able to be sold and therefore able to be advertised provided that it complies with the provisions of the Code.

The Board considered section 2.3 of the Code which specifies that: 'advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant time zone.'

The Board noted that the advertisement raises issues of sex and sexuality that some members of the community may find it inappropriate for television broadcast at any time. The Board considered the complainants' concerns that the advertisement was broadcast during the middle of the day and noted the Advertiser's response that the advertisement has been rated "M" for a mature audience. The Board noted that in accordance with Commercials Advice, M Classifications may be broadcast:

Weekdays (schooldays)*: 12 midnight - 5am

12 noon - 3 pm

8.30 pm - 12 midnight (refer below)

Weekdays (school holidays) & Weekends*:

12 midnight - 5 am

8.30 pm - 12 midnight

* not in G or PG programs scheduled to start at or continue past 8.30pm.

The Board noted the basic premise of the advertisement is related to male performance and that coming first is not always the best outcome. The Board noted the simulated sex scenes with the blow-up dolls and considered that the use of blow up dolls to demonstrate the race to climax further reinforced the sexualized nature of the advertisement. The Board further noted that the man was seen to adjust his clothing after getting out of the bed which also emphasized the advertisement's depiction of simulated sex acts. The Board did not accept that the humorous intent of the advertisement, in comparison to "Benny Hill" type skits, mitigated the sexualized nature of the advertisement.

Given the clear suggestion of a sex act with an inflatable doll, the Board determined that the advertisement did not depict sex and sexuality with sensitivity to the relevant audience and therefore breached section 2.3 of the Code.

The Board then considered section 2.5 of the Code which specifies that: 'Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.'

The Board noted the sexual connotation of the phrase 'coming first' however the Board determined that although the phrase may contain sexual innuendo, the advertisement did not use strong or obscene language and did not use inappropriate language and therefore did not breach section 2.5 of the Code.

Finding that the advertisement breached the Code under Section 2.3, the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

The advertiser has advised the ASB that this advertisement has been removed from publication on all tv networks.

