



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0365/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Puppetry of the Penis</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/09/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

A male voice over promotes a forthcoming tour of the Puppetry of the Penis stage show and we see some men performing tricks on a theatre stage in front of an audience. In some scenes the men are nude but their groin areas are covered by on-screen text which describes the objects their penises are shaped in.

## THE COMPLAINT

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

*Of all the times this could be advertised - channel 9 chose to show this when the kids arrive home from school!*

*Extremely embarrassing to watch this commercial with my 13 year old daughter - that's just WRONG!!!*

*NEVER show this again before 9p.m. in my view. No one at after school hours, boys or girls, should be exposed to this kind of rubbish and be left trying to explain it to a young teenager - ridiculous & disgusting to say the least... especially during a FAMILY show like the Block - what the hell is wrong with the advertising people at channel 9?*

## THE ADVERTISER'S RESPONSE

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

*The commercial has been placed in times in accordance with its classification.*

## **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 features content, and is for a product, not suitable for viewing by children.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board 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 Board noted the advertisement is promoting the Puppetry of the Penis show and features men performing on stage.

The Board noted it had previously considered a billboard advertisement for the same advertiser in case 0068/12 where:

“The Board noted that the advertisement makes no reference to sex or sexual activity and considered that the use of the word Penis in an advertisement does not of itself amount to a breach of Section 2.4 as Penis is a correct anatomical reference.”

In the current advertisement the Board noted that the voiceover states the name of the show, Puppetry of the Penis, and considered that consistent with its previous determination the use of the word ‘penis’ to reference a part of man’s anatomy is not of itself a breach of the Code.

The Board noted that this television advertisement does include images of men performing on stage and considered that whilst they are exposing their bodies, specifically their genitals, to the audience the viewer cannot see their private areas due to the use of on-screen text boxes over their genital regions.

The Board noted that the advertisement had been rated ‘M’ by CAD and considered that the level of nudity in the context of both the advertised product and the restrictive ‘M’ time-zone is not inappropriate for the relevant audience.

On this basis the Board determined that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

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