



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

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0367-19</b>
<b>2. Advertiser :</b>	<b>Chatime</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>Outdoor</b>
<b>5. Date of Determination</b>	<b>13-Nov-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement features a man holding a cup with his eyes closed and the straw at his mouth, and the text "My first Chatime "I closed my eyes and sucked"".

### THE COMPLAINT

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

*Heavy sexual innuendo: "first time", "I closed my eyes and sucked", "pearl milk". Not sure if this is acceptable! Certainly not for younger folk?*

### THE ADVERTISER'S RESPONSE

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

*Our 'My First Chatime' campaign was developed to try and encourage consumers to try our products for the first time. Hence why the campaign is called "My First Chatime".*



*All of the hero lines under “My First Chatime” ads reflect customers experience, confusion or where they were when they tried Chatime for the first time. Our product is a little weird, but delicious. We wanted to own our customers first time weird experiences.*

*The line “I just closed my eyes and sucked” is a man clearly holding his drink of choice with his eyes closed sucking through the straw of a cup. I’m not sure how this can be deemed offensive.*

*We submitted all artwork to Ad Standards for critiquing before going live.*

*On Chatime’s behalf, we never meant to offend anyone. Our sincere apologies.*

## **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 concerns that the advertisement features heavy sexual innuendo which is inappropriate for children.

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 that this advertisement is on outdoor posters, and the audience would be broad and would include children.

The Panel noted it had previously considered another advertisement in this series in case 0104/19, in which:

*“The Panel considered that the advertisement includes the double entendre of ‘the balls felt weird in my mouth’ however considered that there is a clear explanation of balls being a part of the beverage provided in the imagery of the advertisement.*

*The Panel noted that in earlier determinations, advertisements which use double entendre, where a non-sexualised explanation of the meaning would be taken away by children, would generally treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience...The Panel considered that the sexualised meaning of the phrase ‘the balls felt weird in my mouth’ could be interpreted by adults to be an innuendo to oral sex, however considered that the most likely explanation of the advertisement for young children would be that the balls included in the beverage felt strange when drinking the product.”*



Similar to the previous case, in the current advertisement the Panel considered that the advertisement does include a double entendre about first times, however there is a clear explanation that the man is referencing his first Cha Time beverage. The Panel considered the phrase clearly stated 'my first (Cha) Time', had Cha Time branding and depicted the man drinking a Cha Time pearl milk beverage through a straw. The Panel considered that the sexualised meaning of the reference to first times may be understood by adults, however considered that the clear overarching message is of drinking the product and that the most likely explanation of the advertisement for young children would be that the man drank his first Cha Time beverage through a straw.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

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