



Case Report

1	Case Number	0377/15
2	Advertiser	Mojo Homes
3	Product	Real Estate
4	Type of Advertisement / media	Radio
5	Date of Determination	14/10/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

There are four versions of radio advertisements for Mojo Homes with each one presented in the style of ‘Love Song Dedications’ with a presented announcing someone’s name then reading their dedication:

Bevan: “My heart burst when I first saw you at Homeworld, peering through your bedroom window, all your elegant features on display. You’re so stylish and sophisticated. Being inside you feels so good. And when I discovered you came with Actron ducted air, I knew it was love. I went straight to mojohomes.com.au to buy you. I adore you Mojo Home.”

Keith: “I wasn’t looking for anything long term. But when I saw you online, I knew you were ‘the one’. You look so good from the front. And just as good from the back. And although I spend most of my time downstairs, your free Actron ducted air keeps all your areas cool. And sometimes hot. You’re everything I dreamed of – my Mojo home.”

Pru: “When you caught my eye at Homeworld I wanted to explore every inch of you. And you didn’t disappoint. Downstairs you’re enormous. You’re the complete package. I never wanted to leave. I told my husband about you. He liked what he saw when he checked you out online at mojohomes.com.au. You’re our dream come true. Our Mojo Home.”

Tracy: “While our first time together might have been just a quick in and out, you left me wanting more. And more. And more. At first I thought you were out of my league, and it wasn’t just your impressive package or good looks. You’re beautiful inside and out. I never

want to leave you, my Mojo home.”

THE COMPLAINT

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

The tone of the adverts copies the Richard Mercer "Love Songs dedications" radio show and implies sexual themes when they are simply advertising a home building company - the times of the adverts are during the normal morning & evening commute with school kids in the car. "she said it was so big downstairs" or "I looked through her windows" - the tone of the adverts is inappropriate for the context and time they are played. You can visit the Mojo homes website and listen to any of the 4 adverts in this series: www.mojohomes.com.au/about-mojo/campaigns

THE ADVERTISER'S RESPONSE

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

We refer to your correspondence in respect of the above complaint regarding the Mojo Homes "Mojo Love Dedications" radio advertisements aired on Triple M and Nova 969 Sydney (the advertisements).

Background

The objective of the advertisements is to promote Mojo Homes' products that of home designs. The creative intention is to create a humorous parody of the "Love Song Dedications" radio segment, which demonstrates just how much Mojo Homes' Customers will love their homes. The advertisements depict that people are falling madly and deeply in love with their Mojo Homes in an exaggerated and over the top manner, and in the scenario have called the stations 'Love Dedications Program' to profess their love.

Complaint

The complainant states that the advertisements imply sexual themes which are inappropriate for the context of advertising a home building company and are broadcast during the morning and evening commute timeslots when school children may hear them.

Response

We do not consider that the advertisement breaches the AANA Code of Ethics (Code). We also do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the advertisement is not directed at and does not have principle appeal to children. Furthermore, our client's products and services are not covered by the AANA Food and Beverages Advertising and Marketing Code.

The main issue under the Code relevant to the complaint relates to the treatment of sex and sexuality (nudity is not applicable), which is covered by section 2.4. We have limited our

response to this section, as the circumstances do not raise issues under sections 2.1-2.3, and 2.5 – 2.6 of the Code, and there are also no breaches of the aforementioned sections.

We have taken guidance from the AANA Code of Ethics Practice Notice and point out that the advertisement is not intended nor does it actually appeal to young people (being children under 14 years), as the intent of the advertisement is to use a suggestive voiceover to the relevant audience of adult listeners of Triple M and Nova 969 who are interested in building a new home, and who are familiar with the “Love Song Dedications” radio segment.

We note that the Practice Note states that discreet portrayal of sexuality in an appropriate context is generally permitted, noting the applications of the relevant audience. The advertisements are on the medium of radio only and are therefore not accompanied by any images which could be suggestive in nature, and it is therefore difficult to see how a child would consider that the advertisement contains sexual themes. The script is intended to be a humorous play on how much Mojo Homes customers love their homes, aimed at an adult audience who are familiar with and recognise that the advertisement is a parody of the well-known radio broadcast “Love Song Dedications”. The advertisements incorporate innuendo which is suggestive in nature, but would only be understood by an adult audience as the script only utilises the suggestive language in relation to the product being promoted and not in an overt manner. The sensual tone of the advertisements would be understood by the audience to be in direct reference to the “Love Song Dedications” show format.

The scripts do not use words of a sexually explicit nature, including the word “sex”, although we note from the Practice Notice that the use of the word “sex” does not of itself make an advertisement unacceptable. The script instead uses double entendre in lines such as “She said it was so big downstairs” and “I looked through her windows”, which we submit would be unlikely to be understood by children. In our view, there are no blatant or inappropriate sexual references, and there is a strong and clear link between the advertisements and elements of Mojo’s home design product such as the size of the homes. We refer to the Board’s previous decision in Case Report 0305/14 in which innuendo was utilised but was in reference to the product advertised, and that even though images used in the advertisement had sexual connotations, it was held that these connotations would not be clear to a young audience. Therefore, the Board dismissed the complaint.

The Board has also previously found that sexual innuendo would not be understood by young children in a radio advertisement in Case Report 0524/14, in which complaint concerning a radio advertisement which played on bricks being “laid” in order to build a home was dismissed. In that matter, the Board held that the innuendo was of a sexual nature, however, found that “the double meaning is an adult concept and would not be understood by young children”.

We consider that sufficient care and sensitivity to the audience has been taken in the advertisements to ensure that the discreet use of sexuality in the humorous send-up is only understood by adults and is in direct reference to the product, as well as being relatively mild in nature. By way of background, we also note that Mojo Homes has been very selective with what radio stations the advertisements are broadcast on, and similar advertisements have aired on Nova 969’s sister station Smooth FM, but which have been extensively paired back to ensure they are appropriate for the more conservative Smooth FM audience.

Based on the above, we respectfully submit that the advertisement complies with the AANA

Code of Ethics. We also consider that the advertisement falls within acceptable community standards and note that, while only one complaint has been received to date, and generally the response to this advertisement has been positive and that much support has been received for the campaign.

Mojo Homes regrets if any members of the public were offended by the advertisement and would like to take this opportunity to assure the Bureau and the public that this was never its intention.

We appreciate the opportunity to respond to the complaint and acknowledge the advertiser's commitment to self-regulation of advertising in Australia. We sincerely hope that the Board reviews the advertisement positively having regard to the points raised above.

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 contains sexual themes and is not appropriate in the context of the product advertised and the time of day the advertisement was aired.

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

The Board then 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 there are four versions of this radio advertisement, each presented in the style of 'Love Song Dedications' and featuring a person describing their favourite features of a Mojo home.

The Board noted it had previously considered a similar complaint about a radio advertisement in case 0136/13 where:

"The Board noted that this series of four radio advertisements features female voiceovers pretending to be potatoes talking to one another about how hot they are...

...The Board noted the complainant's concerns about the references to being "hot" and considered that whilst the language and tone of the advertisement is sexualised it is relatively mild and it is clear that they are talking about vegetables and therefore the advertisement is not inappropriate for a broad audience which could include children."

The Board noted in the current advertisement that comments made by the voiceovers include, "Being inside you feels so good", "You look so good from the front", "I wanted to explore every inch of you" and "While our first time together might have been just a quick in and out, you left me wanting more". The Board noted that these statements are immediately followed by clarification that the voiceover is talking about Mojo Homes and considered that whilst a sexualised interpretation of the comments is possible these comments are not explicit and the

innuendo is mild enough to be unlikely to be understood by children.

The Board noted the overall theme of the advertisement and the 'Love Song Dedications' style and considered that advertisers are free to use whatever theme or style they wish in their advertising material provided it complies with the provisions of the Code. The Board considered in the current advertisement that whilst the language and tone of the advertisement is sexualised it is relatively mild and all comments are contextualised straight away as being in relation to a house and not a person.

Overall the Board considered that the level of sexual innuendo is mild and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement 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.