



Case Report

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| 1 | Case Number | 0401/17 |
| 2 | Advertiser | Love Honey |
| 3 | Product | Sex Industry |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 13/09/2017 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a woman blowing up a long, thin balloon. We then see a quick succession of images: a hotdog, button hole, peach, a battery operated bunny rabbit mounting another battery operated bunny rabbit. A voiceover says, "Let's talk about sex toys" and we see the words 'sex' and 'toys' on screen. The voiceover then goes on to say, "Join millions of satisfied customers all enjoying more exciting sex lives. At Lovehoney we go the extra inch to help you find the right buzzy things, fuzzy things, kinky super sexy things. So whatever gets you off, get in online and with speedy delivery you'll be enjoying yourself in no time". Various images are shown on screen whilst the voiceover is talking, including a woman eating a lollipop, a mobile phone vibrating in a pocket, a pot of hair gel, and a bottle of champagne popping. The final scene shows a couple collapsing on a bed.

THE COMPLAINT

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

Adult sex themes of sex toys before 10pm on free to air tv during a PG movie. Inappropriate and offensive for young people on a Friday night.

THE ADVERTISER'S RESPONSE

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

Lovehoney have strictly adhered to all CAD restrictions on free to air and have endeavoured to work with Foxtel on best and appropriate timeslots and programmes based on viewer feedback.

There is no sexual content in this ad.

The advertisement does not feature explicit nudity or product descriptions and we believe it communicates the products with sensitivity and humour, as per Section 2.4 of the Code of Ethics.

Overall, whilst carefully taking into consideration the complainant's viewpoints and suggestions, we believe that the advert doesn't contravene any areas as laid out in section 2 of the AANA Advertiser Code of Ethics. Also taking into consideration ASTRAs code of practice, we feel that the content of the advert is appropriate.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement is offensive in its promotion of sex toys, and not appropriate for children to view.

The Board viewed 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 that this television advertisement features a voiceover talking about sex toys and images such as a woman eating a lollipop and a toy rabbit mounting another toy rabbit.

The Board noted that the advertisement had been rated 'A' by CAD (http://www.freetv.com.au/media/CAD/Placement_Codes.pdf) which means it can be broadcast between 8.30pm and 5am on any day but must not be shown:

"Before 9.30pm during Sports Programs and Films classified G or PG which commence before 8.30pm and continue after 8.30pm (unless it is a Film which is neither promoted to Children nor likely to attract substantial numbers of Children)."

The Board noted that the complainant had viewed the advertisement at 9.50pm during a PG movie and considered that whilst it is possible the movie started before 8.30pm the advertiser

has confirmed in their response that the CAD restrictions were adhered to. The Board considered that 9.50pm is not a timeslot likely to attract a child audience and considered that overall the advertisement had been placed appropriately for its rating.

The Board noted it had previously dismissed a similar complaint for the same advertiser in case 0519/14 where:

“...the Board noted that the advertisement did not feature any explicit nudity or descriptions of what the couples were intending to do with the products that they purchased. The Board considered that whilst the topic of the advertisement was of a sexual nature, the couples were not engaged in sexual acts and the advertisement was not inappropriate in the context of an advertisement aired in a mature audience programming.”

The Board noted it had also previously dismissed complaints about the same advertisement when aired on Pay television in case 0368/17 where:

“...the Board noted the references to sex toys and considered that the toys are not pictured in the advertisement and the overall tone is playful and fun rather than seedy. The Board acknowledged that some members of the community would prefer this type of product not be advertised but considered that in this instance, the manner in which the sex-related product is advertised is not strongly sexualised and not inappropriate in the context of an advertisement airing on a Pay television channel directed at an adult audience.”

The Board noted the current advertisement had been aired on Free To Air television which has a different audience to that of Subscription Television but considered that in the context of an ‘A’ rated advertisement, aired in accordance with CAD’s guidelines, the content of the advertisement is not inappropriate for the relevant adult audience.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.