



Case Report

1	Case Number	0419/16
2	Advertiser	Natural Health Specialists
3	Product	Health Products
4	Type of Advertisement / media	Mail
5	Date of Determination	12/10/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Letter offering a food supplement for increased energy and potency. The product is called Potency Power+

THE COMPLAINT

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

This is unsolicited mail which is highly offensive to myself and my family. The content is extremely disturbing and bordering on being pornographic. At no stage have I requested this, or any other material from this company.

THE ADVERTISER'S RESPONSE

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

Thank you for your message. I am sorry to hear that this customer found the mailing offensive, that was not our intention. We have stopped marketing this product in Australia but if you send us the customer's address we will remove their details from our database.

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 concerns that the advertisement features sexual content which is bordering on pornographic and that it was received via unsolicited mail.

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

The Board noted that complaints about the receipt of unsolicited mail should be addressed to the Association for Data-Driven Marketing & Advertising (www.adma.com.au).

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 advertisement was received in mail addressed to the complainant and included information about the Potency Power+ pill which is described as sexual rocket fuel which can provide long lasting erections and multiple orgasms.

The Board noted that the advertisement features a lot of textual information and considered that while the text talks about erections and orgasms in the Board’s view the language is factual, informative and relevant to the advertised product, and as there are no visuals you would have to take time to read the material in order to get the meaning. The Board acknowledged that some people would find the advertisement to be sexually suggestive and inappropriate but considered that in the context of sealed mail addressed to a specific person and not to the householder in general (as in upheld case 0414/09), the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.