



## Case Report

1	Case Number	0434/13
2	Advertiser	Australian Therapeutic Supplies
3	Product	Toiletries
4	Type of Advertisement / media	Cinema
5	Date of Determination	11/12/2013
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

A young couple are in a pharmacy trying to decide what size condoms to buy. An assistant asks the man what size he thinks he is then suggests the couple just try the different sizes out to see which of the four sizes works best for them. We then see the couple naked and apparently having sex in the pharmacy whilst the assistant watches them. The couple give feedback on each size. When the leave, the pharmacist calls out to them to "come again".

### THE COMPLAINT

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

*The sales assistant asked the man if he wanted to try the condom which he did . This entailed showing the couple having sex. She then asked about the size in which he replied "I will try the larger one". The couple then tried another position whilst she said hello to her mother on the phone!*

*The movie session was 7.10pm. Either way I do not think this ad should be shown. My friend and I were absolutely astounded!*

*I am not a prude in any way but I found this ad totally inappropriate and crossing every line of decent dignity in an ad. Sitting at a cinema and seeing two people simulating graphic sex scenes on such a large screen was very confronting and when I looked around the theatre I could see everyone's reaction was the same as mine and we all couldn't believe what we were seeing. Even after the ad had finished for about another 3 mins people were still reacting to it*

*with shock. PS. There was also a lot of schoolies at the screening.*

*I understand the rating for the film we saw was " MA". However this movie itself contained no sex or extreme nudity. However, the advertisement for four season's condom "get naked" that was shown prior to the movie was highly offensive and disturbing to us and indeed to all the families present with their young adolescents! We did not expect to be subjected to such an inappropriate and "profane"*

*This commercial is offensive and unwarranted. Demonstrating a naked couple having sex in several positions, in front of pharmacy staff... and even while on the phone to her mother are explicit and inappropriate to be screened at cinema even for films rated MA. Though some films may be rated MA, it still does NOT warrant such subject matter to be pushed into our faces. It's disturbing to think that Events cinema would approach this delicate and personal matter with no care or professionalism.*

*MA stands for 15+ BUT this commercial should be rated R*

*However I do strongly believe that this commercial is still not an acceptable and should not be aired by any standards, regardless of the age of the viewers from 15+ to 99 years old. I was not the only one who was offended and who feels so strongly against this commercial.*

## **THE ADVERTISER'S RESPONSE**

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

*Please be advised the ad has been pulled from cinema over a week ago and has been discontinued.*

## **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 contains adult material that is inappropriate and offensive.

The Board viewed the advertisement and noted the advertiser's response indicating that the advertisement had been removed from broadcast at the cinema and discontinued.

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 the advertisement features a young couple in a pharmacy seeking to purchase condoms. The couple are offered assistance from one of the staff members and she suggests that they try a few condoms in order to get the correct size. The couple then actively partake in several different sexual positions as they talk through the feel of the different condoms. The female is heard talking on the phone with her mother as she is engaging in

intercourse with her partner. The final scene shows the four different condom sizes and packets as the voice over refers to the product name ie: 'Naked' and getting fun naked.

The Board noted that the advertisement is for a sex-related product and considered that a reference to condoms in an advertisement for a sex-related product was not inappropriate. The Board noted that the advertisement is specifically for a product that young people are encouraged to use in order to practice safe sex and that the advertisement is delivering an important message about the use of condoms.

The Board noted that the purpose of the advertisement is to promote the condom brand 'Naked' and that the intention of the advertisement is to promote the product in a light-hearted and humorous way that will reach the target audience of young adults.

The Board considered that it is unrealistic for couples to have sexual relations in a pharmacy and that it is unrealistic to be able to try condoms on for size in this environment and that in this way the advertisement was farcical in nature.

The Board noted that the advertisement was aired in the Cinema prior to the screening of movies that were rated MA 15+. The Board noted that a MA 15+ rating means that children under 15 are not allowed unless they are accompanied by parent or person over the age of 18 years. The Board noted that this means that there would likely be children in the cinema under the age of 15 years who would be accompanied by an adult. The Board considered that although viewing an MA 15+ rated movie, people wouldn't expect an advertisement which is so sexually suggestive and that the broadcast of an advertisement that explicitly showed sexual activity was not appropriate for viewing by children.

The Board considered that the advertisement did not treat sex with sensitivity to the relevant audience and did breach section 2.4 of the Code.

Finding that the advertisement did not breach the Code on any other grounds, the Board upheld the complaints.

## **ADVERTISER RESPONSE TO DETERMINATION**

The advertiser did not provide a response however we note that the advertisement has been withdrawn from Cinema broadcast.

