



Case Report

1	Case Number	0472/11
2	Advertiser	Fantasea Cruises
3	Product	Leisure & Sport
4	Type of Advertisement / media	Print
5	Date of Determination	07/12/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Ad for night cruise to see coral spawning at the Great Barrier Reef. The main text at the top of the advertisement says, "Sex on the Reef!" and the remaining text provides information about Fantasea cruises to see the Coral Spawning.

There is an MA+ Restricted box which reads, "Strong adult themes, graphic 'coral' sex scenes, possible nudity, lots of fun!!!"

THE COMPLAINT

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

The main content is offensive and also these cruises are for children and I do not think putting an MA15+ restricted stamp on the bottom of the advert saying "strong adult themes graphic coral sex scenes possible nudity. Lots of fun". I believe this sort of advertising is not for families to read when children are involved.

THE ADVERTISER'S RESPONSE

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

We note that our advertisement for the coral spawning cruises was considered to be offensive and in breach of section 2 of the code. Having reviewed the code we consider that the only section which could be relevant is:

2.3 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The complaint focuses on the content of the ad not being appropriate for children and families. However, as these were night cruises not returning until approximately midnight and for safety reasons, we deliberately did not encourage children on these coral spawning cruises. No children or family tickets were made available or promoted through our sales channels. In our email blasts promoting the cruises to the local agents we stated that children were not encouraged (we understand these weren't seen by the general public). Furthermore, children under 12 were not permitted at all. We suggest that the chances of children reading the Mackay Mercury (or any other newspaper) are relatively slim. We did not run this advertisement in any publications or mediums aimed at children. Therefore, we consider that the medium which we used to promote these coral spawning cruises was appropriate.

We consider that we have treated the reference to sex in this advertisement with sensitivity to the intended audience of adult holidaymakers in an around the Whitsundays. Apart from the headline and the MA15 style icon, the content was very straightforward and self-explanatory regarding a cruise we were providing to see the coral spawning (which, indeed is a sexual act on the reef...) and what was included in the cruise. There was no risqué pictorial or wording in what is otherwise a quite normal cruise advertisement.

This was a one off advertisement for a yearly event and, as such, will not be reappearing for another 12 months – or potentially, at all.

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 is offensive and inappropriate for children to see.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement is for a coral spawning cruise for adults and that it features the text, “Sex on the Reef” as well as a mock classification box which states that the cruise has “strong adult themes, graphic coral sex scenes, possible nudity and lots of fun”.

The Board noted that the advertisement was seen in the Mackay Mercury which has a target audience of adults and considered that even if children were to see this advertisement the language used is clearly related to coral reproduction. The Board considered that the language used is related to the product being advertised and is relevant in this context.

The Board considered that the advertisement is concerned with advertising a cruise for adults to witness coral spawning and that the language used, although clearly trying to be provocative to draw attention of adults, does treat sex, sexuality and nudity with sensitivity to the product and relevant audience.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the code on other grounds, the Board dismissed the complaint.