



Case Report

1	Case Number	0512/11
2	Advertiser	The Adult Warehouse
3	Product	Sex Industry
4	Type of Advertisement / media	TV
5	Date of Determination	18/01/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement in question is a brief 15 second bit with details of the My Adult Warehouse website with test graphics on a cloud filled background. There is a voice-over highlighting the benefits and features of the website and its services whilst the animated text scrolls through the said features.

THE COMPLAINT

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

I am offended by the times of day that this ad is shown. While I have specified in this complaint that the ad was at 9:45 pm I have previously seen it in the early hours of the afternoon. I am so offended that this ad would be shown at these times of the day. This type of ad should be shown after midnight. I am also concerned as to the seemingly innocent nature that the advertisement provides as if they are talking about children's literature. This is adult content and should not be shown during the day or early evening.

THE ADVERTISER'S RESPONSE

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

In regards to the complaint 0512/11 we feel that the complaint is completely unjustified as our advertising complies with all the relevant sections relating to advertising goods or services relating to sex and hence attracting a (S) rating and requiring all advertisements to be shown after 9pm. As for the complainant viewing the advertisement “in the early hours of the afternoon” you can see by the advertising schedule provided by Prime Television that the advertisement is shown no earlier than 9:14 pm so we believe that the complainant may be mistaken in regards to an earlier viewing time.

As for the “seemingly innocent” nature of the advertising we really don’t feel that this is cause for complaint, as it is intended to entertainingly inform rather than alienate and offend any sector of the viewing public. The advertisement only refers to our products as “Adult products” with no specifics given to the nature of said products, shows no adult goods, nudity or pictures of a sexual nature however due to the nature of our business attracts an (S) rating and therefore is not shown as the complainant refers to as “during the day or early evening”. As for compliance to the issues relating to section 2 of the Advertiser Code of Ethics our advertising appears to comply in all regards.

2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

Nowhere in our TV ad are any discriminatory images or speech against any strata of society.

2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

At no point in our advertising is there any violence portrayed or implied.

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.

In an effort to comply with this section we have not shown or listed any of our products, rather referring to them in broad terms as “Adult Products” and only screened the advertisements after 9pm.

2.4 Advertising or Marketing Communications to Children shall comply with the AANA’s Code of Advertising & Marketing Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA’s Code of Advertising & Marketing Communications to Children applies.

Our advertising is not aimed at children, and displays no images or vocals to that effect.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

At no point in any of our advertising is any strong, obscene or rude language ever utilised.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The advertising for our website at no point encourages activity that will put any person in danger of injury or affect health in any way.

2.7 Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles and section 2.6 of this Code shall not apply to advertising or marketing communications to which the Federal Chamber of Automotive Industries Code of Practice applies.

Not Applicable

2.8 Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.

Not applicable.

We hope that this satisfies your requirements and that we can reach a speedy resolution to this complaint.

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 content which is not suitable for viewing during the day or early evening.

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

The Board considered whether the advertisement complied with Section 2.4 of the Code. Section 2.4 states: ‘...shall treat sex, sexuality and nudity with sensitivity to the relevant audience.’

The Board noted that the advertisement features a background image of clouds moving across a blue sky and a banner across the top with a pink silhouette of a woman and the text “stockists of fine erotica”. The Board noted there are no other images shown and that the voiceover refers to ‘adult products’ but does not specify what these products are.

The Board noted that adult products are legally allowed to be advertised and considered that this advertisement is very mild in its description of the product. The Board noted the complainant’s concerns that they had seen this advertisement during the day and that adult products should not be advertised except late at night. The Board noted the advertisement has been rated ‘S’ by CAD and is therefore not to be screened before 9pm. The Board noted the inclusion of the media schedule for this advertisement which shows the earliest airtime for this advertisement was 9.14pm.

The Board considered that whilst some members of the community would prefer for this product to not be advertised, in the Board’s view the advertisement is very mild and discrete and does treat 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.

