



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 120/03  |
| 2. Advertiser                 | Nestle Australia Ltd (Peters Heaven Ice Cream)  |
| 3. Product                    | Food  |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 13 May 2003                            |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

One of a campaign series viewed by the Board, the advertisement attracting complaint shows an apparently naked young woman half submerged in an ice cream product alongside headline text reading: 'I'm in Raspberries & Cream Heaven.' The advertisement also incorporates the advertiser's logo with 'Heaven' signage.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*"This ad is unacceptable as it has a naked woman lying face down in a 'bath tub' of ice cream with just enough ice cream covering her breast but the rest of her body is exposed. It is fragrantly (sic) promoting sexuality in this product which is for children mainly."*

*"This type of advertising would only encourage sexual perverts in their criminal activities."*

*"At a time when the community is greatly disturbed at the extend (sic) of sexual abuse in its midst, these billboards put our children at greater risk."*

## **THE DETERMINATION**

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

Acknowledging the advertiser's contention that the intent was to be sensual rather than explicitly sexual, the Board determined that this advertisement did not offend the provisions of the Code relating to the portrayal of sex, sexuality and/or nudity.

It further determined that the content of this advertisement did not contravene the Code on any grounds and, accordingly, the complaint was dismissed.