



CASE REPORT

1. Complaint reference number	125/05
2. Advertiser	Nova 106.9 Brisbane
3. Product	Media
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 14 June 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The complaint relates to two television advertisements by radio station Nova 106.9. The first television advertisement depicts a couple in bed having sex. The camera focuses on the legs of the couple and then moves down to show the bouncing springs of the mattress. The sound effects that accompany the moving springs are highly exaggerated gun shot sounds reminiscent of an “old Western” style film. The second advertisement depicts a naked man bending over and being paddled by a woman in the room. The sound effect that accompanies the “paddling” is a metal clanging noise.

THE COMPLAINT

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

“I find them distasteful.”

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

“The commercials are M rated and as a result have been scheduled to run in appropriate time zones.”

“My opinion is that the commercials fall within contemporary standards of decency.”

“Whilst I accept that some viewers could perceive the commercials as confronting, it must be also recognised that other viewers would find the commercials funny.”

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board was of the opinion that the sound effects used in the advertisement added a humorous element. The Board noted that in the first advertisement no nudity was portrayed and the Board considered that in the context of prevailing community standards, the majority of people would find the advertisement humorous rather than offensive. The Board found that the provisions relating to the portrayal of sex and sexuality were not breached in relation to that advertisement.

Similarly, in relation to the second advertisement the Board was of the opinion that most people would find this advertisement humorous rather than offensive. The Board found the depiction did not contravene the provisions of the Code relating to sex, sexuality and nudity.

Further finding that the advertisements did not breach the Code on any other grounds, the Board dismissed the complaint.