

CASE REPORT

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| 1. Complaint reference number | 127/05 |
| 2. Advertiser | Jamba! GmbH (Jamster mobile ringtones and wallpaper) |
| 3. Product | SMS/Mobile Phones |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 10 May 2005 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a still image of a mobile phone which is shown to have differing wallpaper screens. The mobile phone wallpapers advertised include ‘road sign’ style images of people having sex and stylised hemp leaves.

THE COMPLAINT

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

“These pictures were clearly not suitable for television advertisements as two depicted oral sex and others depicted drugs. They were pornographic and I am very sad to see that it is the way our television advertisements and mobile phone accessories are going.”

“...shows sexual scenes that both myself and wife find very offensive. It comes on without warning. The ad shows a couple standing and having sex with a ‘do not disturb’ sign, another having oral sex and other similar pictures.”

THE ADVERTISER’S RESPONSE

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

“The advertisements the two customer complaints are referring to were both shown during the 10pm program and therefore complied fully with the CAD specifications regarding airing time for such advertisements.”

“The advertisements only contain simple drawings without any details and no actual erotic scenes. These advertisements are targeted at adults and were created with sensitivity to that target group.”

THE DETERMINATION

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

The Board took into consideration the fact that this advertisement was being broadcast only during very late time slots and, as a result, was targeted at a more appropriate, adult audience.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board

dismissed the complaint.