



CASE REPORT

1. Complaint reference number	127/06
2. Advertiser	Jamba! GmbH (Jamster)
3. Product	Mobile phone/SMS
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 11 April 2006
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement offers “sexy mobile videos” for your phone and features a blond woman caressing her naked breasts (nipples obscured by yellow stars) and smaller photos of Natasha (babe 10), Lulu and Lola (two women in bikinis - babe 11) and Natasha as the sexy shower babe (a naked woman caressing her body in the shower - babe 12). Also offered are videos of Natasha (sexy 10), Cindy (sexy 11) and Sandy (sexy 12).

THE COMPLAINT

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

...totally sexist...Its basically showing EVERYTHING (complainant’s emphasis) anyways so why even have the star?

...if they’re going to degrade women like that and not men it shouldn’t be allowed.

THE ADVERTISER’S RESPONSE

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

The advertiser did not submit a response prior to the advertisement being considered by the Board.

THE DETERMINATION

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

The Board considered that the depictions of the woman caressing her breasts and the woman in the shower similarly caressing her body were depictions of nudity. The Board noted that the women’s nipples were obscured by objects. The Board considered that the behaviour of the women in the advertisement was overtly sexual. The Board considered that it was likely that this advertisement would only be shown in late night timeslots, and that the audience would be predominantly adult.

Despite the late night timeslot, the Board considered that, as the advertisement depicted material that was overtly sexual and had a high level of nudity, the advertisement was not appropriate for a television audience.

The Board determined that the advertisement breached section 2.3 of the Code by inappropriately depicting sexual material.

Response from Advertiser following the Board’s determination

The advertiser was advised of the Board's determination and asked to modify or withdraw the advertisement. Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The governing body within Australia for advertising services is AANA and

we work diligently to ensure that our advertising services comply with the requirements of this body.

We respectfully disagree with the complainant's claim that our commercial was inappropriate due to the sexual nature. The images used are mobile videos are tasteful and are not degrading and specifically targeting a male audience. This commercial was classified by the Commercials Advice/Free TV (CAD) under the Commercial Television Industry Code of Practice. It was given an "S" rating and as such could be shown after 11.30pm ; therefore it was shown at the appropriate timeslot.

This TVC has since been removed from TV. We hope that this resolves the issues raised by the Complainant, as described in your email.