



CASE REPORT

1. Complaint reference number	128/98, 130/98 & 138/98
2. Advertiser	Omnical Australia, Austcorp and Oz Agency
3. Product	Phone Sex
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1 Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 8 September 1998
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENTS

The Board viewed a cross section of this type of television advertisement for telephone sex services.

THE COMPLAINTS

The Board viewed a number of complaints about this type of advertisement.

THE DETERMINATIONS

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

The Board, in coming to its decision on this type of advertisement noted that:

- The Federation of Australian Commercial Television Stations (FACTS) applies classification criteria as set out in the Commercial Television Industry Code of Practice. FACTS pre-clears and classifies advertisements for television.
- Advertisements for telephone sex lines and other sex related services have been classified "MA" Mature Adult.
- FACTS has developed (additional) guidelines to assist advertisers of sex-related products or services to understand the kind of material which would normally be considered *unacceptable* in terms of the criteria for "MA" classification and therefore unsuitable for television.

The Board accepts that there will be members of the Australian community who are offended by the material portrayed in this type of advertisement including nudity and references to sexual practices and services. Others may feel that this type of advertisement discriminates against women.

However, having regard to the fact that television advertisements of this kind are pre-cleared by the Federation of Australian Commercial Television Stations (FACTS) and classified "MA" by FACTS. And, on the assumption that this type of advertisement is not shown before 11.00 p.m. or after 5.00 a.m. the Board is of the view that this type of advertisement does not breach Section 2 of the Advertiser Code of Ethics.

In particular, the Board is of the view that the nudity sex and sexuality portrayed in this type of advertisement is not inappropriate given the time zone in which these advertisements are shown. In addition, the Board considers that the portrayal of the people concerned does not, in the context of the services advertised, amount to discrimination or vilification.