



## **CASE REPORT**

1. Complaint reference number	130/09
2. Advertiser	UltraCompany (Nude Viewer)
3. Product	Mobile Phone Downloads
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement promotes a “Nude Viewer” mobile phone subscription. The advertisement provides that the “Nude Viewer” is available by texting a the word “SCAN” to 19 30 40. The accompanying image show a woman wearing a red singlet and cargo pants. The image then shows the woman’s underwear when she is viewed through the subscription download.

## **THE COMPLAINT**

A sample of comments which the complainant/s made regarding this advertisement included the following:

*It was smutty and almost pornographic and I found it an offensive ad to watch.*

## **THE ADVERTISER’S RESPONSE**

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

*We respectfully disagree with the complaints, that this is pornographic. It is a fun application that can be used for both males and females (female example is subject of complaint). It is targeted at a mature audience and therefore aired after 8.30pm. The content has an M rating and therefore it is shown on TV during M rated TV programs. It is presented in a fun way – with the sound effects, and therefore to be treated as a fun application for the mobile.*

*Script – “Want to see her naked? Check out all your friends, get the nude viewer right now. Text SCAN to 193040 to subscribe and get the nude viewer on your mobile.”*

## **THE DETERMINATION**

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

The Board noted the complainant's concern that the advertisement is sexually suggestive and inappropriate.

The Board noted that the product is one that some members of the community may not approve of, but that the product is legally able to be advertised provided that such advertising complies with the provisions of the Code. The board noted that the advertisement does not depict any nudity - rather the advertisement shows the woman's clothing change colour. The Board noted the M rating of this advertisement and the timezone within which it can be shown. The Board considered that the advertisement treated sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.