



CASE REPORT

- | | |
|-------------------------------|---|
| 1. Complaint reference number | 132/09 |
| 2. Advertiser | Advanced Medical Institute |
| 3. Product | Health Products |
| 4. Type of advertisement | Pay 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 shown on subscription television for Advanced Medical Institute commences with the voice over “63% of women find that they cannot climax during intercourse, it can lead to feelings of frustration, lead to unsatisfying sex and it could make you feel irritable.” “Call now to find out about the new technology that may get you there and give you that toe curling, sheet shredding climax that you have been longing for. Call the doctors at AMI now on 1800 20 40 70. If you’re tired of faking it, call now and give yourself a chance to make your pleasure real. Don’t wait for him to become a better lover, call the doctors at AMI 1800 20 40 70.”

Relevant words and images appear throughout the advertisement.

THE COMPLAINT

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

Not only do I have to be careful while listening to radio stations in my car when my children are with me (since when has it been ok to openly advertise these products in front of kids!!!) but now they actually show them on TV!!!! I am no prude, but I dont wish to watch tv with my 13 yr old son and have to switch over when these ads come on! From listening to them on the radio I have already had to dodge many questions from my 10yr old daughter whos asked "What is premature ejaculation?" or "What is an erection mummy?"!!!!!!!!!! Can these ads not be shown later after say 10.30pm? Children have enough sex etc thrown at them these days on tv etc. Is there no boundaries? Will 13,14 yr olds now be worrying about these things as well as dealing with puberty????? Please put them on later!!!!!!

THE ADVERTISER’S RESPONSE

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

AMI's Pay TV advertisement is rated M.

AMI's advertisement is only run when network programmes of the same or higher rating are run. In relation to free to air television this restricts the times at which the M rated advertisements are run to between noon and 3pm during weekdays (excluding school holidays) and after 8.30pm. In relation to pay TV stations, we are instructed that certain channels on the stations are directed at particular audiences and are aimed at particular audience demographics. These advertisements are only run on these stations when programmes with equivalent rated programmes are run on those channels in line with commercial television rating requirements and guidelines. If a lower rated programme is run during these times then the advertisement is not permitted to be run during these times under the commercial television ratings guidelines.

Whilst the advertisement portrays issues of sex and sexuality, we submit that it does so with the appropriate level of sensitivity having regard to the relevant audience ordinarily watching TV at this program time zone and rating.

We also note that this advertisement was found not to be offensive in relation to a similar ruling for a free to air audience.

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 complainants' concerns about the sexual references contained in the advertisement and the timezone in which the advertisement aired, and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that Section 2.3 of the Code provides:

"Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."

The Board noted the advertiser's response that the advertisement had been given a mature (M) classification, meaning the advertisement could only be shown at times deemed appropriate for mature audiences.

The Board considered the sexual references made in the advertisement were appropriate to a mature audience and the timezones applying to an M classification.

While the Board recognised that some members of the community may be offended by the discussion of certain issues relating to sex in a television advertisement, the Board found the advertisement did not breach Section 2.3 of the Code.

The Board also considered Section 2.5 of the Code, relating to language. The Board noted that various terms relating to sex and sexuality were used in the advertisement, including 'intercourse', 'sex' and 'climax'. The Board considered the language used was in the context of the product advertised and was not inappropriate to a mature audience and timezone. The Board considered that the language used in the advertisement was not inappropriate, strong or obscene and did not breach Section 2.5 of the Code.

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