



## CASE REPORT

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| 1. Complaint reference number | 14/08   |
| 2. Advertiser                 | Jamba! GmbH (Bubble Mob)                        |
| 3. Product                    | Mobile phones/SMS                               |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 13 February 2008                     |
| 7. DETERMINATION              | Dismissed                                       |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement advises "Get the latest hot and wild screensavers for your mobile. Watch beauty queen Keeley's sexy moves text Babe 1, or take a peek at Sydney's puppies (still images of a woman lifting up her vest to reveal breasts with nipples obscured by stars) SMS Babe 2. Get this hot 22 year old schoolgirl to strip on your mobile (still images of a woman in school uniform removing clothes to show bra and g-string), send Babe 3 or subscribe for Double Trouble and watch Lucy and Michelle get it on (still images of two women in g-strings touching each other) with Babe 4. And finally get this highly censored hot surprise screensaver of Commando Candy (a moving silhouette of a woman with hands held above her head and breasts bouncing) text Babe 5, and send it to 191212.

## THE COMPLAINT

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

*I object to the level of nudity and sexual content of this ad. I object to the sexual contact made between the two girls in g-strings touching each other. The scene showing a girl imitating a schoolgirl stripping is in poor taste and seems to try to feed some men's lust for under-age girls. I also object to the sexual content of showing a girl actually having sex - even though it is her shadow or form that we see. And finally I object to the level of nudity in the ad showing girls' butts in g-strings, which is something I don't want to see and should have the right not to have forced upon me as I watch late night TV.*

*This ad was broadcast during a broadcast of "Lost", which is watched by my teenage daughter. I had to delete all the adult ads (of which this was just one of many) before my daughter wanted to watch it. Given the target audience of "Lost", this ad is entirely unsuitable because of its adult content. The ad is offensive to me as an adult, and quite unsuitable for viewing by minors.*

*The ad and product demeans women, it treats them as sex objects.*

## THE ADVERTISER'S RESPONSE

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

*We have read through the frustrations of the complainants in relation to the content in which there is claimed to be "excessive" nudity. We would at this point like to point out that the advertisement in question is at an Adult time slot and therefore watched by an adult audience.*

*In relation to the content and the complaints themselves: At no point are any bare breasts nor bare nude shots of any sort shown throughout the entire TVC. Any nudity is in our perspective covered over tastefully with large stars in order not to offend any viewers with full frontal nudity.*

*In relation to one complainant which refers to our attempt to: “feed some men’s lust for under age girls” we would like to note that the “school girl” in question is deliberately referred to in the voice over as “this hot 22 year old” meaning there would be no confusion whatsoever in relation to the girl being underage.*

*In relation to the objection that “a shadow of a girl actually having sex” is made, is, in our opinion, impossible as all this shows is a silhouette of a girl with her hands raised in the air. This in our moral grounds does not perpetuate sex nor giving or receiving any type of sexual act.*

*Bubble Mob takes this complaint and concerns of these nature very seriously and we remain in the belief that the advertisement in question “Sexy Downloads” is one which has taken every possible precaution to ensure there is no possible way of associating a direct sexual act or motion as appears on the advertisement. The TVC in question does have an erotic nature however we feel strongly that this does not surpass any excessive nude / sexual boundaries and through this letter we at Bubble Mob feel as if we have addressed the main issues in concern.*

*We will continue to defend the airing of this advertisement in its original form however we cannot, and will not defend people’s creativity in assuming / fantasising what could possibly be behind the “stars” and “silhouettes”.*

*Bubble Mob intends to be a leader in social standards and as a result of this action we feel as if the issues raised by the complainant will now have been solved as a result of our reply.*

## **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' concern that the advertisement was inappropriately sexual and particularly inappropriate for viewing by children.

The Board noted that it is legal for advertisements to advertise products such as sex or nudity related mobile phone services provided that such advertisements comply with the Code.

The Board noted Section 2.1 of the Code which prohibits 'discrimination or vilification of people on account of their gender or sex. The Board considered that the depiction of women in sexually suggestive advertisements, while undoubtedly capable of being demeaning to women depending on the particular advertisement, was not of itself objectification of women that amounted to a breach of Section 2.1, and that this advertisement did not contain specific material that would breach section 2.1.

The Board noted Section 2.3 of the Code which states that 'advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and where appropriate, the relevant programme time zone.'

The Board noted that this advertisement is aimed at the adult male market and is only able to be shown on television after 11pm. The Board considered that people who tape programmes that appear on television in this late night timezone need to be aware that such programming is likely to contain adult style advertisements.

The Board noted that the women in this advertisement are either clothed - albeit in lingerie; or have their breasts and genitals hidden behind stars or silhouetted out. The Board agreed that the advertisement is risqué and sexually suggestive and noted the reference to a '22 year old school girl', images of a woman wearing a g-string, and two women touching each other. The Board noted that all of these images are still images and that there is not explicit sexual activity depicted. The Board considered that the advertisement was appropriate for the late night time zone and was not in breach of Section 2.3 of the Code.

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