



CASE REPORT

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| 1. Complaint reference number | 15/08 |
| 2. Advertiser | Global One Mobile Entertainment (Porridge/Slammer/Paris Hilton) |
| 3. Product | Mobile phones/SMS |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
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 features a smiling Paris Hilton changing expression as cell doors are closed over her face and a female voiceover announces "Naughty Paris - caught in the act. See it on your mobile. Text SLAMMER to 1995 1111." Various video shots of Paris are shown of her lounging in an armchair, in front of a mirror, in a shower block and lying on a bed. There is also a shot of a female's buttocks (wearing a g-string) being caressed by a man's hands.

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 the ad. The footage shown includes showing sexual contact being made between Paris Hilton's butt and a man's hands as he caresses her backside. The ad also shows Paris Hilton's butt in revealing underwear- which I don't need to see and don't want to see while watching late night TV.

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:

Please note that the TVC displays the keyword 'slammer' but it is the exact same advert for 'porridge'.

To reach our target audience, we requested our advertisement to be aired in the 11pm plus timeslots. The next criteria are for the advertisements to be telecast on appropriate channels which we believe would have a high percentage of our target market.

Global One television advertising appears on both Free To Air (FTA) and Subscription TV (STV). Classification of our TVCs are through CAD who dictate placement on FTA. As each market is purchased individually, telecast is in local time. STV is a single feed across Australia so telecast times vary. These complaints relate to activity on Channel 7, which is a FTA channel. I note that both of these complaints are after 12am which is within this time frame.

The advertisement is for Paris Hilton content, which offers viewers the chance to purchase mobile videos to be downloaded to their mobile phones. The advert has a sales oriented voiceover for the entire duration of the advert.

On reviewing the content of our advertisement, we are of the strong opinion that we have not breached Section 2. of the AANA Advertiser Code of Ethics, which reads :

'Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and where appropriate, the relevant programme time zone'

We appreciate that our advertisements will not appeal to 100 percent of TV viewers, and note that this applies to almost all TV advertisements.

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 demeaning to women.

The Board noted that the complainants' description of the advertisement included the instruction to text 'porridge' to the provider and that the advertisement considered by the Board included the instruction to text 'slammer'. The Board accepted that the content of the two advertisements was exactly the same with the exception of the key texting word (porridge/slammer). The Board considered that the advertisements should be considered together and that the use of either porridge or slammer did not effect the impact or appropriateness of the advertisement.

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. The Board considered that the images in this particular advertisement did not breach Section 2.1 of the Code.

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 noted that the majority of images in this advertisement are of Paris Hilton fully clothed and in various poses - mostly not sexually suggestive. The Board agreed that the image of the woman's bottom being fondled by hands is risqué and sexually suggestive. The Board considered however that this part of the advertisement, while sexually suggestive, 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.