



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 19/08   |
| 2. Advertiser                 | Consumer First (VIDEO)                          |
| 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 features a young blonde woman wearing a black outfit which is high cut to reveal her buttocks. As she starts pole-dancing, a female voiceover announces "Wanna get the hottest, sexiest videos available on your mobile? Get your free stripper video and so much more right now. Just text VIDEO to 197 12345." At the conclusion the pole-dancer removes her bra to reveal her breasts obscured by blue stars.

## **THE COMPLAINT**

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

*This ad was broadcast repeatedly during this hour, 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 ADVERTISER'S RESPONSE**

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

*The above Ad was given a rating deemed suitable by CAD to air after 12am. If the person complaining about the ad chooses to record a show after 12am for a minor and is unhappy with the ads, we believe it should be taken up with the networks.*

*As described in the complaint, the person with the complaint, argued the point that a show like Lost should be able to be viewed freely by teenagers implying the show Lost has no offensive content. The show Lost itself is given an M rating due to each episode depicting graphic violence, drug use and the occasional sex scene. In a particular episode of Lost there has been a scenario where 2 of the lead characters have had a very steamy sex scene in another scenario a sub-lead character is seen to be injecting heroin. And yet in a another scenario another character is seen to be beating another man to death with a club.*

*We feel that the late night timeslot for the program is suited to a mature audience, who aren't sensitive to these themes. Our advert has her nipples covered with blue stars, and given the context of the show depicting sex violence and drug use, we feel the advert is rather less offensive. If the complaint is based on a person 'taping' a show for their child, one must first ask them to a) watch the program for its content as they may be shocked at what really the shows about, or b) understand why the program is on late in the first place.*

*We as advertisers can not help what programs are being aired between 12am-2am. We understand that PG rated or even G rated programs at that time are wrong and unfortunately we have no power to dictate what runs.*

*We acknowledge that the ad may not be to everyone's taste but the time slot in which the ad is aired is deemed not suitable for minors/teenagers anyway.*

*Thank you for giving a chance for us to respond. As a side note if the parent wishes to show their child Lost without adverts the shows 3 seasons are available for DVD purchase, or rent from their local video store.*

## **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 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 woman in this advertisement is depicted pole dancing but that she is depicted wearing clothing - albeit lingerie and that once her top is removed her breasts are obscured by stars. The Board agreed that the advertisement is risqué and sexually suggestive but that the images in the advertisement were relatively mild, were appropriate for the late night time zone, and were 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.