



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 199/03  |
| 2. Advertiser                 | Bugal Pty Ltd   |
| 3. Product                    | Telecommunications  |
| 4. Type of advertisement      | Print   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>Language – use of language – section 2.5 |
| 6. Date of determination      | Tuesday, 8 July 2003  |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

The five print advertisements reviewed by the Board feature downloadable ringing tones and graphics for mobile telephones. In one, stylised figures are shown in sexual coupling positions, with others variously featuring sexual and drug-related images and text, along with such messages as ‘thisbitchbites,’ ‘Crazy Bitch,’ and ‘I fart in bed.’ Each of the advertisements incorporates a contact telephone number and Internet website address.

## **THE COMPLAINT**

Comments which the complainant/s made regarding these advertisements included the following:

*“(I) do not believe that young children should be subjected to this sort of bad taste advertising.”*

*“It seems to be OK to show drug related pictures, nude cartoons (some animals) engaging in sexual acts or letting out internal body odour .”*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) considered whether this advertising breaches Section 2 of the Advertiser Code of Ethics (‘the Code’).

The Board noted the advertiser’s submission that: ‘The content in our advertisements is driven very much by the demands of each individual audience,’ with most of the material attracting complaint being among the best selling offerings ‘leading us to believe that the majority does not find this offensive.’

Further noting the advertiser’s advice that it did not aim to be offensive and its willingness to apologise ‘unreservedly’ if the material was found to be offensive, the Board determined that the material in the five advertisements did not contravene the Code in relation to the portrayal of sex, sexuality and/or language, and that did not constitute a breach of the language provisions of the Code.

Finding that the material did not offend the Code on any grounds, the Board dismissed the complaint.