



CASE REPORT

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| 1. Complaint reference number | 199/04 |
| 2. Advertiser | Oporto Portuguese Style Chicken |
| 3. Product | Food |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 10 August 2004 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a radio advertisement in which a woman complains about her partner eating his Oporto burger while they are making love. He puts it on the bedside and while the voiceover speaks you can hear love-making noises in the background. The tagline includes the sentence “Oporto’s legendary burger with irresistible sauce.”

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

“It has graphic sounds of a man and women reaching orgasm.”

“This is particularly offensive as it features on a weekend and in the middle of the day – ensuring that many children will hear it.”

“The radio ad was in poor taste. There were sexual references, grunts and groans which are inappropriate for young listeners.”

THE ADVERTISER’S RESPONSE

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

“The ad was based on humour and certainly not intended to cause any offence.”

“The script uses humour to create the suggestion that Oporto burgers are more irresistible to the male character than his girlfriend.”

“Finally, please note that the ad is now off air.”

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity. Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.