



CASE REPORT

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| 1. Complaint reference number | 20/08 |
| 2. Advertiser | Global One Mobile Entertainment (RUDE) |
| 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 videos of various young women fondling their clothed bodies as a female voiceover announces "Get home-made naughty video auditions on your mobile. SMS PEEP to 1994 9999. Sexy amateur babes auditioning on your mobile, SMS PEEP to 1994 9999." One scene shows two women on a bed kissing each other.

THE COMPLAINT

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

The ad shows girls posing in sexual poses and shows girls' butts in g-strings.

THE ADVERTISER'S RESPONSE

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

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 the complaint is after 12am which is within this time frame.

The advertisement is for our product Home Babe Auditions 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 that this advertisement is the same advertisement as 451/07 with the exception that 451/07 says to SMS the word 'RUDE' whereas this advertisement says to SMS the word 'PEEP'.

The Board considered that its determination for 451/07 applied to this advertisement and the mere substitution of 'Rude' with 'Peep' did not alter its determination that the advertisement did not breach 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 2.3 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 all clothed - albeit in lingerie - and that the advertisement is risqué and sexually suggestive. However 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.