



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 222/07  |
| 2. Advertiser                 | Austereo Group Ltd (2DAYFM)                     |
| 3. Product                    | Media   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 14 August 2007                         |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement begins with Jackie O relating "You know, people always think there's something going on between Kyle and I. They think we used to date or maybe had a one night stand". Kyle and Jackie are shown sitting across a table from each other as Kyle eyes her off and she continues "Nothing has ever happened between the two of us". The couple are then shown in a lift looking sideways at each other as Jackie tells us "I couldn't even imagine him that way". Suddenly Jackie turns to Kyle and throws him against the wall and starts kissing him passionately. As they part a long drool of saliva hangs off Kyle's lips. A voiceover announces the Kyle and Jackie O Show, after which an alarm clock is heard and Jackie O springs up from a bed in shock as if waking from a bad dream. Thinking that it was all a dream she looks relieved but then turns to find Kyle in bed next to her.

## **THE COMPLAINT**

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

*I feel sick inside after seeing the piece of drool hanging from his mouth not only is it bad enough with Jackie O talking about "one night stands" and pretty much acting like a slut, I was eating my dinner when the ad was aired and I feel that there is no need for such an extremely vile ad to be aired about a radio show.*

## **THE ADVERTISER'S RESPONSE**

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

*This is not a new commercial, in fact it ran over a year ago with the only difference this time being that we have changed the soundtrack music to be newer, more upbeat and "light" sounding.*

*There is a PG and M rated version of the advertisement in question. The M rated version includes more kissing between Kyle and Jackie O and ends with a "spit bridge" between the two announcers. In our opinion, it is very hammed up, comedic and clearly meant to be irreverent and tongue in cheek.*

*On the night referred to in the complaint, and on this night only, the M rated version of the commercial ran in a PG timeslot on the Ten Network; the complainant states that the time was about 7.30pm. The airing of this version of the advertisement in this timeslot was inadvertent and the Ten Network has admitted it was as a result of a scheduling error in their system. We immediately brought this error to their attention and have been advised that since that one incident, the correct versions have been run in accordance with the appropriate classification of each of the 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 complainant's concern about the kissing scene in the advertisement and general concern about the references to sexual activity. The Board viewed the advertisement. The Board considered that the references to sexual activity were not inappropriate for an M rated advertisement and that the kissing scene, while in extremely bad taste, was also not inappropriate for the M rated timezone. The Board noted the advertiser's response indicated that the M rated version of the advertisement had accidentally appeared in a PG timezone on the night on which the complaint was made. The Board noted that this was an error and that the advertiser had taken steps to ensure the correct version of the advertisement is shown at the appropriate time. On this basis the Board considered that the advertisement did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.