



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 233/05  |
| 2. Advertiser                 | Austereo Group Ltd (FOX FM)                     |
| 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, 13 September 2005                      |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

The opening scene in the television advertisement depicts the crew of a Fox FM radio program in an office setting. One of the radio hosts pulls out of a piece of paper from a bowl and exclaims: “*It’s nudie day!*” The remaining members of the crew jump up in joy. The following scenes in the advertisement depict the members of the crew (naked from the waist up) at their microphones. The voiceover states: “*The Matt and Joe show. Fresh everyday, 6 to 9 am on Fox.*”

## **THE COMPLAINT**

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

*“... I cannot believe that we need to see Matt Tilley’s pubic hair or any other nudity to get people to listen to their radio program...”*

*“... They were walking around the radio broadcasting room and placing items in positions to portray themselves being naked. This is unacceptable...”*

## **THE ADVERTISER’S RESPONSE**

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

*“These commercials were given a PG rating and an M rating by Commercials Advice Pty Ltd. The M rated commercial has only been telecast after 8.30pm at night, as per the Rating.”*

*“It is our position that these commercials are not in breach of the AANA Advertiser Code of Ethics.”*

## **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 although the members of the radio crew were depicted naked, the depictions in the advertisement were not overly graphic as no breasts or genitals were shown.

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 considered that the advertisement did not breach the provisions of the Code relating to the portrayal of sex, sexuality or nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.