



CASE REPORT

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| 1. Complaint reference number | 247/09 |
| 2. Advertiser | Club X |
| 3. Product | Professional Services |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 8 July 2009 |
| 7. DETERMINATION | Pending |

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement has a breathy female voice saying: “This Easter give your lover a very special egg from Club X. The Ultra Seven Remote Egg has a velvet touch and a wireless remote that clicks through seven modes – three multi speed vibrating modes, three pulsating vibrating modes and one climax-building escalating mode. Normally \$64.95, this little beauty is reduced to just \$59.95 for this month only. For every unit sold during April, Club X will give you a free Easter treat. At Club X the eggs don’t melt, but you may.”

THE COMPLAINT

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

Totally inappropriate time slot to be advertising sex toys especially with children listening to morning radio.

I don't want to hear about other peoples sex lives or have to explain what they are advertising to my step children.

It was 9am, I had my child in my car and I found it offensive to family values. I do not need to hear about a sex toy being advertised on radio. I believe it is the sort of thing that if people want they can purchase but should not be subjected to advertising for it.

THE ADVERTISER’S RESPONSE

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

We believe this radio advertisement is not in contravention of the AANA Code of Ethics, nor would it breach any community standards.

The information or words contained in the advertisement is are sexually suggestive and is of an informative nature and describe an item that could be a back massager etc.

The ad is merely a play on words about eggs and Easter. The most ‘titillating’ words are ‘vibrating’ and ‘climax’ which are part of the common vocabulary and can be applied to many different life scenarios.

Club X is a responsible corporate citizen. We are regular contributors to many state and national charities and employ over 160 Australians – 50% of whom are female and many who are mothers. We are sensitive to community standards and all of our senior management are parents.

Whilst I understand and appreciate the concerns of the complainant, I believe the nature of the business is more the issue than the advertisement itself.

In my opinion the advertisement does not contravene any community standards or those of the AANA.

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 complainants' concerns about advertising a sexual product and such advertisements being played while children could be listening.

The Board considered that some members of the public may not like to have these products advertised, but that the advertiser is able to advertise their business and products provided that the content of the advertisements complies with the Code.

The Board listened to the advertisement and noted that the advertisement does not mention sex or vibrators in any place and that the only reference that would provide any sexual context is the fact that the advertiser is Club X - known as an adult store. While adult listeners would be likely to understand that the nature of the advertised product, the Board considered that the reference is sufficiently discrete for the relevant audience.

The Board considered that children would be very unlikely to have any concept of what the 'egg' is or of what its functions meant.

The Board determined that the advertisement does treat sex with sensitivity to the relevant audience and does 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.