



CASE REPORT

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| 1. Complaint reference number | 249/09 |
| 2. Advertiser | Girls Gone Wild |
| 3. Product | Mobile Phone/SMS |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 8 July 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a loud male voiceover saying: "Warning, Girls Gone Wild Mobile TV has arrived. Subscribe to the all new Girls Gone Wild Mobile TV channel from just \$5 per week and watch the very latest and completely uncensored Girls Gone Wild TV episodes directly on your mobile. Simply SMS 'start' to 19 44 88 for instant and unlimited access. These college girls just cannot keep their clothes on and you can see it right now." Throughout the voiceover, a range of scantily clad women are shown separately and in pairs removing items of clothing ("censored" appears in appropriate places), simulating masturbation and sexual activity, including women kissing and finally a woman placing her hand into the g-string worn by another woman.

THE COMPLAINT

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

It should be obvious but this ad and the many many many more like it are nothing short of pornography! They have increased in their 'daring' over the last few years which would seem to indicate that they find any kind of control ineffectual. It is highly offensive and embarrassing to watch this filth with the accompanying moaning and groaning. I thought ads dealing with sex were meant to treat the issue with 'sensitivity'? Really? I mean the very fact that this muck is still so prevalent every single night really shows the ability or willingness of 'the board' to be zero.

The reason I object to this advertisement is because, even though certain parts of the scenes are blurred, the television ad still subjects it's viewers to explicitly pornographic material. I believe that on free to air television, no matter what time of the day or night, this advertisement should not be screened. It cannot be described in any other way but explicit, degrading, pornographic filth.

Its just too offensive. It makes me feel ill as stars don't really justify putting it on TV. Seeing a woman masturbating I consider to be offensive in any time slot. What are the limits?

My children (13 & 14 years old) record this program to watch at another time as it is shown too late for them. Although there is nothing objectionable in the content of the program itself, the advertising is inappropriate. I do not want my children seeing pornography being blatantly advertised on TV.

THE ADVERTISER'S RESPONSE

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

The complaint relates to:

- 1. The sexual content and nudity of the commercial.*

This commercial is advertising video downloads to mobile phones and has a sales oriented voice over for its duration.

On reviewing the content of the commercial we are of the strong opinion we have not breached section 2 of the advertiser's 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 note that this commercial is rated "S" by CAD and as such is only to be broadcast on FTA after 11pm. To date this commercial has only been broadcast after 12am and targets and adult male market.

We also note that the content of this commercial is no more sexually suggestive than a significant amount of the programming content broadcast far earlier than midnight on both Free to Air and Subscription TV.

The commercial in question is intentionally risqué and sexually suggestive but is appropriate for the late night time zone.

The commercial complies with the code given both the time of day it is broadcast and the program environments in which it is placed.

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' concern that the advertisement's content is inappropriate and concern that children may view the advertisements through recoding programs.

The Board noted that advertisements broadcast after 11pm at night can have adult content and that parents should be aware that this material is accessible if children are watching programs that are broadcast at that time of night.

The Board considered section 2.3 of the Code which requires that advertising 'treats sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme timezone.'

The Board noted that the current advertisement is classified such that it is only able to be broadcast on free-to-air television after 11pm at night. The Board considered that the target and relevant audience is adults. The Board viewed the advertisement and noted that the advertisement depicts young women in mostly swimwear or underwear in sexually suggestive poses and positions with mostly the women's breasts and genitals obscured by various objects. The Board considered that while many of these images are not unacceptable in this timeframe, several of the images in this particular advertisement were inappropriate and did not treat sexuality with sensitivity to the relevant audience. In particular the Board considered that the depictions of women touching their own or other women's genitals with the suggestion of masturbation or sexual stimulation was inappropriate.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement breached section 2.3 of the Code.

Finding that the advertisement breached the Code the Board upheld the complaints.

ADVERTISER'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

When the ad was on air it was only shown at the relevant time slot and not intended for a younger audience. The complaint was made by a mother who chose to record an adult program which was airing in this time slot, which is when adult ads are shown. I cannot see she has a valid complaint, as it was her choice to play back this recording to her children.

The ad has been discontinued and will not be running again.