



CASE REPORT

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| 1. Complaint reference number | 283/07 |
| 2. Advertiser | Sleepyhead Bedding (The Boss) |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | Pay TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 11 September 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a female voiceover relating "Sleeping with the boss was never planned, but the comfort of knowing my every need was being met was just too strong to ignore. This was no one night stand - it's a long-term relationship". The accompanying visual shows a young woman in bed writhing sexually, then shown sleeping serenely as a male voiceover continues, promoting the benefits of sleepyheads new mattress "The Boss."

THE COMPLAINT

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

Because of sexual nature of the ad that isn't needed to advertise a mattress. I often record home building shows on Lifestyle channel to watch the next day and sometimes my young children are in the room while I am watching these and I would not like my children to hear or see the ad. I also think this ad degrades women by the nature of this ad that women sleep with their bosses to get anywhere in work

THE ADVERTISER'S RESPONSE

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

When we received this commercial we were advised it would attract an M Rating which means that placement should be placed:

Weekdays (schooldays):

*8.30pm – 5.00am (see Note 1)
12 noon - 3.00pm (see Note 2)*

Weekdays (school holidays) & Weekends:

8.30pm – 5.00am (see Note 1)

Note 1: not in G or PG programs or sport:

*Starting at 8.30pm
Starting before and continuing past 8.30pm
In a break preceding a program which starts at 8.30pm.*

Because of this rating it was not placed on Free to Air Television. When scheduling the commercial on Pay TV every endeavour was made to ensure that it never appeared outside the M Rating timeslot. In fact, we sent a copy of the commercial prior to booking it to the Pay TV providers to ensure that they knew the content of the commercial before we booked the schedule.

The viewer complaint refers to a commercial which aired on the Lifestyle Channel at 11pm at night. The viewer then recorded the programme and played it at another time. We have at all times complied with the industry guidelines in scheduling this material to ensure as much as possible that the content is viewed by adults. Unfortunately neither we nor the guidelines can accommodate every eventuality.

In regards to the complaint about the sexual nature of advertisement this is (as always) a subjective opinion. The creative execution is of an adult nature for the first 12 seconds and then there is a 'twist' in the commercial which reveals what the commercial is really about. While I did not write or produce this advertisement I believe that it doesn't not in any way infer 'that women sleep with their bosses to get anywhere in work'.

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 about the sexual nature of the advertisement and the implication that women sleep with their boss.

In relation to the images of sex, the Board agreed that the images were quite sexual however, accompanied by the voice over, implied consensual sex. The Board noted that there was no images of actual sex or of another person. The Board noted that the advertisement is rated M and is not shown on commercial television. In view of the relevant audience and timezone, the Board considered that the sexual content of the advertisement was not inappropriate and did not breach Section 2.3 of the Code.

In relation to the suggestion in the advertisement that women sleep with their boss, the Board noted that the advertisement makes a play on this stereotypical situation and ends up clearly referring to a type of mattress. The Board considered that this play on words was not offensive to women, did not vilify them and did not breach Section 2.1 of the Code.

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