



## **CASE REPORT**

1. Complaint reference number	309/08
2. Advertiser	Barkley's Advertising
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, 13 August 2008
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement featured a young blonde woman wearing only a pinafore and g-string, posing in a sexual manner in a kitchen, against the fridge with her breasts partly exposed and leaning over the sink, exposing her g-string clad buttocks. A female voice over asks "What are you doing right now? I'm all alone. Call and chat to me now on 1902 222 666". The woman is finally seen talking on the phone to a customer.

## **THE COMPLAINT**

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

*It is sexist. It is degrading to women. It most definitely shows too much. All these types of ads are bad but this one is the worst. I thought prostitution was illegal???? This is just another form of prostitution. Has commercial TV become that desperate that they have to stoop this low....when do you draw the line? Not a very good message to be sending our teenagers....."women are sex objects". Please take this off the air, please think of our children instead of money.*

## **THE ADVERTISER'S RESPONSE**

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

*It obviously complies with all of the guidelines as it has been approved by CAD, and given an "S" classification. We believe the TVC has been appropriately classified and subsequently placed after Midnight.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board reviewed this advertisement under Section 2.3 of the Code which states:

Advertising and Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate the relevant programme time zone.

The Board viewed the television advertisement and noted that the advertiser was selling a sex-related product. The Board considered that some of the complaint about the advertisement was actually about the product being sold. The Board noted that it is not the role of the Board to prevent advertising of legal products unless the advertisement in question breaches the Code.

Taking account of the audience and time slot, and of the nature of the product being advertised, on balance the Board felt that advertisement did not treat sexuality insensitively enough to warrant the advertisement's removal from air.

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

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