



## CASE REPORT

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|-------------------------------|---|
| 1. Complaint reference number | 32/01   |
| 2. Advertiser                 | Nintendo Aust Pty Ltd (Game Boy Color - Mario Tennis)   |
| 3. Product                    | Toys & Games  |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>Health and safety – section 2.6<br>Other - Miscellaneous |
| 6. Date of determination      | Tuesday, 13 March 2001  |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

The television advertisement portrays former Wimbledon Champion, Pat Cash, wearing tennis clothes and his trademark headband and saying, 'Since I quit the tour, I've been playing just about anywhere. Parks, (he is shown exercising in a park), parking lots (he is shown sitting in a vehicle in a car park), even public toilets (he enters a men's public lavatory).' A shot follows of a man's legs, one foot tapping, as he sits on a lavatory behind a closed door. 'These days', he continues, 'I play wherever I can.' He is shown on a park bench with a game boy. The advertisement concludes with graphics of the product and Cash's voice saying, 'Plumbers. I'm losing to plumbers.'

## THE COMPLAINT

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

*'..... schoolboy smut **with a dark side**, because public toilets are not where children should be playing, especially with a (valuable) Nintendo. Every parent would strongly warn their child of this, as there could be a threat to their health, **in more ways than one**.*

## THE DETERMINATION

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

While appreciating the complainant's concerns, the Board determined that the material within the advertisement, given its contextual humour, did not offend prevailing community standards and did not breach the Code on any ground. The Board, accordingly, dismissed the complaint.