



## CASE REPORT

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| 1. Complaint reference number | 36/08   |
| 2. Advertiser                 | Advertising Advantage (M-Connect - Girls Gone Wild) |
| 3. Product                    | Mobile phones/SMS                                   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3     |
| 6. Date of determination      | Wednesday, 13 February 2008                         |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a montage of footage from the "Girls Gone Wild" DVD with some of the more explicit images covered. A male voiceover describes the download "See the worlds hottest all real, all naked girls...going wild! Girls Gone Wild is delighted to offer you exclusive FREE VIP access, for a limited time only, to UNCENSORED videos on your mobile and online. Just SMS 'REAL' to 194488 for instant and uncensored video access now! These are the hottest and wildest girls anywhere on the planet and they just cannot keep their clothes on. And you can see them right now! This limited trial offer will not last long! Just SMS 'REAL' TO 194488 now! That's REAL to 194488."

## THE COMPLAINT

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

*I object to the sexual content and nudity in this ad. I object to the display of lesbianism being shown in this ad with it showing girls kissing one another, and especially with the sexual contact being shown of having one girl squeezing another girl's butt. I also object to the ad showing girl's butts in g-strings. These are images I don't want to have to see as I watch late night TV, and I should have a right to not have such pornographic images imposed upon me as I watch TV in my home.*

## 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 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 an 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 in which it is broadcast.*

*The commercial complies with the code given both the time of day it is broadcast and the programme 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 complainant's concern that the advertisement was inappropriately sexual and the specific complaint about the image of a woman touching another woman's bottom, images of wearing g-strings and the displays of women kissing each other.

The Board noted that it is legal for advertisements to advertise products such as sex or nudity related mobile phone services provided that such advertisements comply with the Code and also noted late night advertisements advertising sex related products are permitted to be shown provided they are shown within limited late night timezones.

The Board noted Section 2.1 of the Code which prohibits 'discrimination or vilification of people on account of their gender or sex'. The Board considered that the depiction of women in sexually suggestive advertisements, while undoubtedly capable of being demeaning to women depending on the particular advertisement, was not of itself objectification of women that amounted to a breach of Section 2.1, and that this advertisement did not breach Section 2.1

The Board noted Section 2.3 of the Code which states that 'advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and where appropriate, the relevant programme time zone.'

The Board noted that this advertisement is aimed at the adult male market and is only able to be shown on television after 11pm.

The Board noted that this advertisement featured images of young American college women and that the women in this advertisement are either clothed - albeit in lingerie; or have their breasts and genitals hidden. The Board agreed that the advertisement is risqué and sexually suggestive and noted the images of a woman wearing a g-string and of what is intended to be a woman's hands touching another woman's bottom. The Board considered that brief depictions in advertisements of women kissing or about to kiss were not of themselves contrary to the Code and that in this advertisement the images were brief. The Board noted the context of the advertisement is sexually suggestive and agreed that the advertisement is at the high end of content within this timezone. However the Board determined that the advertisement was appropriate for the late night time zone and was not in breach of Section 2.3 of the Code.

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