



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 370/07  |
| 2. Advertiser                 | Advanced Medical Institute (rocking cars)       |
| 3. Product                    | Professional Services                           |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Monday, 19 November 2007                        |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens at night time on a scenic lookout with a view over a cityscape, where a black car is seen driving to a spot alongside a white car which is rocking from side to side. A male voiceover advises "When it comes to making love, every man wants to enjoy the experience for as long as he can..." The black car is then seen also rocking from side to side, a motion which ceases within seconds. A woman's voice is heard to ask "Is that it?". The male voiceover continues "If your love-making only lasts a short time, call the Advanced Medical Institute. Their doctors have helped thousands of men with their premature problems. Call 1800 311 311. The white car is seen still rocking continuously as the sun rises and an arrow points to the car with the text "He's been to a doctor at AMI."

A second advertisement ends with the woman in the black car putting her hand on the man's shoulder and advising "Just call them."

## **THE COMPLAINT**

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

*Depicts several vehicles parked outside rocking and associated voiceover as though the occupants are engaging in sexual intercourse. It depicts activity which is illegal, public fornication carries a charge of gross indecency in all states and territories of Australia.*

## **THE ADVERTISER'S RESPONSE**

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

*The ad does not breach Section 2 of the Code - I cannot see how this ad breaches any of the issues raised under s2.3 - the ad is not in any way vulgar or sexually explicit. The ad does not use any obscene language or content.*

*We submit that the ad complies with the Standards as set by the AANA.*

## **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 about the implication of the advertisement that there are couples having sex in their cars in a public place.

The Board noted that the advertisements are suggestive of sex but that a suggestion of an illegal activity is not of itself a breach of the Code. The Board considered whether the advertisement treated sex, sexuality and nudity with sensitivity to the appropriate audience and timezone. The Board noted that there is no depiction of people, sexual activity or nudity and that the advertisement relies on implication and innuendo for effect. The Board noted that the advertisement is placed after 8.30pm and considered that it did treat the issue of sexual dysfunction with appropriate sensitivity, including with humour.

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