



## **CASE REPORT**

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| 1. Complaint reference number | 399/08  |
| 2. Advertiser                 | Big Mobile Pty Ltd                              |
| 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, 8 October 2008                       |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement portrays women in lingerie in several scenes in seductive poses and movements. The voice over prompts people to make a phone call to get access to mobile phone videos of the women.

## **THE COMPLAINT**

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

*These ads often come on while my children (11 & 17 yrs) are awake watching television. I think they are way too sexually explicit for them and should come with a warning since they are included in a pre 12am time slot and a movie like Empire Strikes Back that comes PG rating!!!! I do not go into adult shops or pickup pornographic magazines, I don't think it should be forced down my throat, ad after ad, in my own home. I am also amazed at the sheer volume of these ads that are shown each ad break. Surely, they could move to post 12am time slot?*

## **THE ADVERTISER'S RESPONSE**

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

*As the advertiser, we (Big Mobile) believe that our advertisement is entirely keeping with the nature of the service offered. The service being promoted is a premium rated SMS bikini babe video service. The service itself falls within the existing governmental guidelines for Premium rated services for Premium SMS operators.*

*The ad in question only appears on air after 11pm, in accordance with its S classification from CAD, in which material of an adult nature may be broadcast. More specifically, the earliest time the ad ran was approximately 11.25pm, well inside the air time allowance it was given, and it ran during a male audience dominated program in line with the target demographic the ad was to designed to reach.*

## **THE DETERMINATION**

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

The Board considered the application of Section 2.3, relating to sex, sexuality and nudity. The Board noted that the advertisement was relevant to the product and in light of the classification zone, in which mature audience content may be shown, considered the advertisement was appropriate to the relevant audience.

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