



## **CASE REPORT**

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| 1. Complaint reference number | 4/07  |
| 2. Advertiser                 | Advanced Medical Institute (Jingle Bells)       |
| 3. Product                    | Professional services                           |
| 4. Type of advertisement      | Radio   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 13 February 2007                       |
| 7. DETERMINATION              | Upheld – discontinued or modified               |

## **DESCRIPTION OF THE ADVERTISEMENT**

There are various advertisements in this series:

A Santa-style voiceover stops the tune "Jingle bells" to announce "Ho Ho Ho HOLD it right there! It takes me all night to deliver the goods...It should take YOU that long to deliver in the bedroom! So if premature ejaculation is putting you in your partner's bad books...It's time to get yourself some nasal delivery technology from AMI. Christmas in Australia should be HOT! Ring... and get your jollies all night!"

A male voiceover asks "Shopping vouchers...French perfume...a lawn mower...Nasal Delivery Technology... Which one do you and your partner REALLY want this Christmas? Arriving too early in the bedroom doesn't have to control your life. You'll have a lot more fun this Christmas and New year if you can last longer in bed. Don't last a minute or so. Last all holidays!"

Two versions of songs feature the tune of "Jingle bells" as a male group sings "Dashing in your bed. Won't make your Christmas bright. Call up AMI and keep her up all night - hey! Being premature in the bedroom really sucks. Nasal spray delivery will give you back some luck... Oh AMI, AMI, don't be fast, be slow. 1800 40 40 80 that's the go - WOAH! AMI AMI give her cheeks a glow...1800 40 40 80, that's the goooooo!"

"Dashing in your bed won't make your Christmas bright. Call up AMI and keep her up all night - hey! You know premature ejaculation sucks...Nasal spray delivery will give you back some luck".

## **THE COMPLAINT**

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

*The ads have now been put to Christmas Carols. Is nothing sacred anymore? I am not a religious person, but it's Christmas. I find it degrading and repulsive...*

*I find this ad offensive, and today it hit an all time low and the ad was in the form of a Christmas jingle. Would you like to hear 6 year olds walking around singing jingles about premature ejaculation?*

## **THE ADVERTISER'S RESPONSE**

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

*The ads do not breach any of the issues under Section 2 of the AANA Advertising Code of Ethics.*

## **THE DETERMINATION**

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

The Board listened to the advertisements and considered whether they breached section 2.3 of the Code dealing with the sensitive treatment of sex, sexuality and nudity. The Board noted the complainants' comments that the advertisement was offensive.

The Board noted the use of Jingle Bells, a popular children's Christmas carol, with sexual terminology. The Board also noted the particular language used in the advertisements including "premature ejaculation sucks".

While the Board accepted that the advertisements were clearly not targeting children, the children's Christmas tune was likely to draw children's attention to the advertisement and to the sexual language therein. The Board took note of the complaints from parents whose children had noticed the advertisement and acknowledged that the advertisement invited kids listening to the advertisement to ask parents what the advertisement was about and that parents may feel uncomfortable about having to explain the advertisement. The Board also took the view that the particular references to premature ejaculation in this advertisement were not sensitive to the likely audience which, in the context of a Christmas carol, would be more likely to include children.

In view of the above, the Board concluded that the advertisements did not treat sexuality with adequate sensitivity to the audience and hence breached Section 2.3 of the code.

Finding that the advertisement breached the Code, the Board upheld the complaint.

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

*The ads have been discontinued and will NOT be aired again.*