



CASE REPORT

1. Complaint reference number	473/08
2. Advertiser	Barkley's Advertising
3. Product	Mobile Phone/SMS
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 10 December 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for mobile phones from Barkley's Advertising depicts a variety of young women wearing flimsy underwear and dancing around a pole to music. In two frames a woman wears no bra, but her breasts are covered by pink stars. Text states "text BEAVER to 197 12345" and a little later "Free video". A voice over repeats the same information a number of times.

THE COMPLAINT

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

The advertisement overtly displayed breasts, buttocks and crutch in a way which was intended to be provocative. Prior to this advertisement there was no station warning that this would be displayed.

THE ADVERTISER'S RESPONSE

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

This email is regarding the complaint you have received in relation to Consumer First.

It complies with all of the guidelines as it has been approved by CAD, and given an "S" classification...

We believe the TVC has been appropriately classified and subsequently placed after 11pm.

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 of the Code, relating to sex, sexuality and nudity. The Board noted the advertisement had received an "S" classification with a post-11pm timezone. The Board considered that based on this classification, the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience. The Board therefore found no breach of Section 2.3.

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