



CASE REPORT

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| 1. Complaint reference number | 49/08 |
| 2. Advertiser | Advanced Medical Institute (Valentine's Day) |
| 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 | Wednesday, 12 March 2008 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a female voice relating "Great Sex. This Valentine's Day thousands of Australian women are going to get great sex, something they haven't had for years and it will be all thanks to AMI's Nasal Delivery Technology. So guys, if your doodle's been jumping the gun - make the call to AMI because if you don't fix the problem it is only going to get worse. Call AMI now on 1800 30 30 10 thats 1800 30 30 10 and give her the gift that goes on and on and on..."

THE COMPLAINT

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

I have 8 and 10 year old children in the car constantly as we have to drive to and from school/sport. I shouldn't have to explain to them what erection problems are and sex, it is offensive especially going through the motions with the sound effects. This ad is making all parents subject their kids to sexual concepts way beyond their innocent years just because we want the radio on when we jump in the car.

I have a nine year old son who is repeatedly chastised and punished for discussing sex, penises, doodles etc at school.

A female voice in part says "...if your doodle is jumping the gun ..." - the phrase is demeaning & belittling to men.

My major concern regarding this advertisement is the terminology, regarding the penis. DOODLE refers to a name that children may use. This ad was on a time slot that children frequent in the car, namely after school. Children are subjected to a lot via the media and if sexual advertisements can aired in schools hours this would be appropriate.

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”). In particular the Board considered whether this advertisement portrayed sex or sexuality with insensitivity to the relevant audience and relevant programme time zone.

As the advertisement was a radio advertisement, the Board noted that there no listening time classifications existed. The Board further noted that the advertisement had been heard right throughout the day. The Board considered that the language used in the advertisement and in particular the use of ‘doodle’, represented language used by children and that as a result the advertisement was inviting 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.

If the advertisement had only been broadcast after 8.30 at night on the relevant radio stations, the Board considered that the portrayal of sex and sexuality in the advertisement would not have offended the Code. However, given that the advertisement could and was broadcast at all times of the day and night, the portrayal of sex and sexuality was inappropriate considering that the audience listening to the advertisement may include children.

The Board therefore upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

The advertisement has been discontinued.