



CASE REPORT

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| 1. Complaint reference number | 5/08 |
| 2. Advertiser | F J Livens |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 16 January 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features female voices giggling as they comment "He can have a go at my pipes"; "Yeah, I'd let him fix my blockage"; "I bet he doesn't leave a mess"; "and that he comes on time" concluding with all voices chorusing "Everytime!" A female voiceover explains "For a plumber who can get the job done, and is on time, EVERY time - talk to FJ Livens Plumbing. They can tackle anything from hot water systems, blocked drains & rainwater tanks to general plumbing needs. FJ Livens - Plumbing. No Fuss. No Mess. AND..." the girls add "He's dead sexy!"

THE COMPLAINT

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

The ad describes services provided by this plumber in sexually suggestive language. I found the language used in the ad very offensive to women as it implies that not only will they fix the plumbing but also provide sexual services. It is also being aired at a time when children may be listening.

THE ADVERTISER'S RESPONSE

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

As far as the content of the ad, we were informed by the management at Star Fm that it is not in breach of any of the regulations governing the industry, quite the contrary in fact, as it conforms to all the guidelines and regulations. Whilst I agree that the ad may be construed as sexually suggestive by some people, the inference assigned is up to each individual, which begs the question.

As to motive and intent, we did not set out to produce an ad that was sexually suggestive. We wanted something that was different, with a little humor, and something that would get peoples attention, with the ultimate aim being brandworx, keeping our name in the fore, so that when they require a plumber, they think of us. Until (this) complaint, all other comments had been favourable, with most people thanking us for breaking the monotony and finding the ad hilarious. In fact some people have jokingly said to Fred that he'll be had up for false advertising (he's almost sixty and none too sexy).

Star fm asked us what were the main points we wanted to get across to which we responded: The fact that we turn up when we say we will and if we are unable to make it we call to let the clients know. We attempt to leave the site as clean or cleaner than when we arrived. Next we were asked to provide the types of services we provide, or at least those that we wanted to air and we responded: Blocked drains, machine cleared. Rain Water Tanks Supplied & Installed. Hot Water

Unit replacements. All General Plumbing and Drainage."

From the information provided, the advertising department at Star Fm came up with the ad exactly as per the Audio File. So as you can deduce from the above, there was never any intent to sell or suggest that we sell sexual services. Our motive was and still is to promote our plumbing business / services.

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 that the advertisement was sexually suggestive and inappropriate when children could be listening. The Board listened to the advertisement and was of the view that the advertisement certainly could be considered to be sexually suggestive to an adult listener. The Board considered that the references in the advertisement were all double entendres with the statements all being applicable to the plumbing service provided. The Board considered that most people would consider the advertisement humorous rather than offensive. The Board considered that young children would not be attracted to the advertisement and would be unlikely to understand the double entendres. The Board determined that the advertisement did treat sexuality and sex with sensitivity to the relevant audience and that the advertisement did not breach Section 2.3 of the Code.

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