



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 527/08  |
| 2. Advertiser                 | Loverlays Intimate Adult Furniture              |
| 3. Product                    | Household goods/Services                        |
| 4. Type of advertisement      | Pay TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 17 December 2008                     |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement for Loverlays intimate adult furniture is set in a bedroom and shows a male and female couple on several items of the advertised furniture. They are wearing underwear/lingerie and are shown in sexually intimate poses - they simulate intercourse. The voice over describes the possibilities of the furniture in elevating and reinvigorating love-making and passion. The advertisement ends on a screen with the company logo, internet address and the statement "Only available online". The voiceover concludes with "Loverlays only available online".

## **THE COMPLAINT**

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

*I have always found the Arena tv chanel to be a very child friendly station. My daughter is only 13 and while I understand the kind of talk she is exposed to at high school, I do not see the need to advertise loverlays.com.au on such a family friendly chanel. While the people in the commercial do have clothes on the imagery is still quite graphic and something I certainly wish my child had not been exposed to. I understand the ad was on in a later time slot but young teenagers are allowed to stay up later on the weekends. There was absolutely no warning that such adverts would suddenly be screened and so I had no opportunity to change the chanel or to stop my child from being exposed to it. Which is very unfair to an unsuspecting parent.*

*A man and women in a bedroom changing 'furniture' and simulating graphic sexual positions that can be 'enhanced' by utilising the furniture. The graphic nature of the 'positions' the couple were using despite having underwear on. Clothes on or off I feel it is far too graphic for an 'ad' for tv.*

*This is blatant pornography. School has finished for the year and kids are also watching TV at this time of night. I'm definately not a prude but I do find this ad extremely distasteful.*

## **THE ADVERTISER'S RESPONSE**

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

*The complaints relates to:*

- 1. the sexual content of the commercial.*
- 2. the time the ad was broadcast and the environment it was broadcast in.*

*The commercial in question is advertising Loverlay's intimate adult furniture and has a sales oriented voice over for its duration.*

*Loverlay's intimate adult furniture is designed to help adult couples enhance their relationships.*

*On again reviewing the content of the commercial we are of the strong opinion we have not breached section 2 of the advertiser's Code of Ethics which reads:*

*"Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."*

*We note that this commercial is rated "S" by CAD (reference SPFFVROA) and as such is only to be broadcast on FTA after 11pm. To date this commercial has only been broadcast after 12am (despite complainants claims to the contrary) and targets adult couples.*

*We also note that the content of this commercial is no more sexually suggestive than a significant amount of the programming content broadcast far earlier than midnight on both Free to Air and Subscription TV. Indeed one of the complainants viewed the commercial after midnight on Arena. We note that Arena broadcasts 'Sex and the City' at 8.30pm (Rated MA) which is an example of content aired pre 12am that is more sexually suggestive than the Loverlays commercial.*

*The commercial in question is intentionally risqué and sexually suggestive which is entirely appropriate for the product, the adult audience and the late night time zone in which it is broadcast.*

*The commercial complies with the code given:*

- 1. the time of day it is broadcast (after midnight) and*
- 2. it's treatment of sex/sexuality is appropriate given its intended late night adult audience.*

## **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 that Section 2.3 provides that "Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that the advertisement includes scenes between a couple wearing underwear simulating sex and that no nudity was depicted. The Board noted the advertisement has received an "S" classification and is only to be broadcast on free to air television after 11pm. The Board considered that the advertisement's treatment of sex, sexuality and nudity was appropriate to a mature audience in accordance with its classification and was appropriate to the relevant time zone. The Board therefore found no breach of Section 2.3 of the Code.

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