



CASE REPORT

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| 1. Complaint reference number | 57/07 |
| 2. Advertiser | The Kebab Co |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | Cinema |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 13 March 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This cinema advertisement is animated and shows a poster located on the inside a bus shelter portraying a woman preparing to eat a kebab. She suddenly stops, as being questioned, and replies "What? It's fresh low fat chicken...it's fresh salad...it was prepared in front of me...it's 95% fat free and low in carbs. It's good for me! And...it tastes so good..." A side view is shown of her eating the kebab.

THE COMPLAINT

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

The ad is suggestive of a woman performing oral sex. Depicts women as sexual objects.

THE ADVERTISER'S RESPONSE

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

Our advertisement is of a girl eating a kebab. One of the issues we face is that many of our existing and potential customers see kebabs as being an indulgent choice rather than a healthy one. For this reason we have decided to confront this issue head on. Our subject has been caught in a moment of indulgence and we're giving her the chance to explain herself and the fact that it's not an indulgent choice but a very healthy one. The creative agency (Wikid Marketing) has played with the misunderstanding of the situation to a slight degree but essentially the girl is just eating a kebab and that is made perfectly clear in the advertisement. As the advertisement is run through Val Morgan we have the ability to control the films that the ad is run with and have attached the ad to M rated movies only (as we're targeting a mature audience).

I'm quite annoyed by this complaint as the ads are only played to a mature audience and apart from that there is only a very slight suggestion of anything other than a girl eating a kebab. If the complainant chooses to think that it's oral sex even though we're making it completely clear that it's not then that's the issue of the complainant.

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 whether the advertisement was in breach of the section of the Code dealing with sex, sexuality and nudity, noting the complainant's comments that the advertisement depicted implied oral sex.

The Board viewed the advertisement and did not accept that advertiser's contention that the advertisement made "completely clear" that the advertisement was not depicting oral sex. The Board agreed that the allusion to oral sex was obvious, crude and in very poor taste.

However on balance, the Board agreed that while the advertisement was in poor taste, the reference to oral sex was not explicit and the animated nature of the image of the woman putting the kebab in her mouth detracted (only somewhat) from the sexual impact of the advertisement. On balance, the Board held that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.