



## **CASE REPORT**

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| 1. Complaint reference number | 591/09  |
| 2. Advertiser                 | Sweethearts Adult Shop                          |
| 3. Product                    | Sex Industry                                    |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 9 December 2009                      |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This cartoon commercial shows a man and woman sitting up in bed. The man is depicted as being Kevin Rudd and the woman is depicted as being Julia Gillard.

The man is speaking in a manner that is intended to be indicative of the style of the Prime Minister and is talking about performance. The woman speaking in a style that is intended to represent the Deputy Prime Minister says “geez Kevvy, you don’t need to be such a tight arse”. You should have a look at the Sweetheart stimulus package...”.

Details of products and costs are outlined. Voice over and image shows details of Sweethearts Annual Summer Sale.

## **THE COMPLAINT**

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

*I was totally disgusted and couldn't believe I was seeing what I was seeing. I find it very distasteful to see the leader of our country and his deputy shown in this light. I may be from the old school but regardless of who I voted for I think it really important to show our leaders respect. I assume that ad is beamed all over North Queensland and it makes the leaders of our country look like we have no regard for them whatsoever. Shameful!!! Not a good example to our younger generation.*

*Sexshop Sweethearts ad, Ad broadcast at 9pm on 16 and 17 September*

*We were shocked to see a local sex shop ad, which featured cartoon figures of The Prime Minister and the deputy Minister in bed, with sexual reference about sex together. This ad is highly offensive, as the Prime Minister would have to be one of the most moral good living married men in our country. I have also brought this matter up with the Prime Minister office.*

## **THE ADVERTISER’S RESPONSE**

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

*Advertisement placement bookings. After 9.30pm as per rating and content requirements. The advertisement was written and produced by Bret Goldsworthy and Channel 7 Townsville. The script and art boards were submitted to CAD for approval prior to production. CAD informed Bret Goldsworthy that after consultation with their legal department approval was given for production.*

*After production the advertisement was submitted and approved with the CAD number below, and given a M rating. From what I have been informed by the TV stations all commercial placements were in the appropriate timeslots and programming (after 9pm and not in children's evening programs).*

*The commercial content was of an animated/cartoon parody. The commercial has no nudity, bad language, violence or sexual contact of any nature.*

*Both complaints to all intensive purposes seem to be of a moral nature only, without any real basis of breach of section 2 of the AANA Advertiser Code of Ethics Act in any form. The commercial is from a humor perspective only.*

*At all times Murishun PTY LTD respects the limitations under which we are able to advertise and use humor as the main driving force, rather than depicting real sex in any form. We in fact believe the commercial to be quite funny.*

*After taking appropriate advice. We find the complaints to be unfounded and unsubstantiated and urge the ASB to find likewise.*

*The CAD details are as follows: Key Number: SWEET0901. CAD Number: MR9R6ROA. DUR: 30 sec. Classification Rating (M)*

## **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 complainants' concerns that the advertisement suggested material of a sexually explicit nature and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that the advertisement depicts a cartoon parody of the Prime Minister Mr Rudd and Deputy Prime Minister Julia Gillard in bed together having a conversation which is sexually suggestive. The Board considered the images and discussion presented in the advertisement were discrete and that the M classification of the advertisement means that the advertisement is not likely to be viewed by young children. The Board considered that the advertisement treated sex and sexuality sensitively to the relevant audience. The Board therefore found no breach of Section 2.3 of the Code.

The Board also considered whether there was any contravention of Section 2.1 of the Code, relating to discrimination and vilification. The Board noted that although some members of the community may consider the parody of prominent Australians to be in bad taste, the depiction did not amount to discrimination or vilification. The Board therefore found no breach of Section 2.1 of the Code.

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