



CASE REPORT

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| 1. Complaint reference number | 601/09 |
| 2. Advertiser | Nando's |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 20 January 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement is a brochure for Nando's in Chatswood. It says "achieve Portugasm at Nando's Chatswood."

THE COMPLAINT

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

I object to this because my 6 year old daughter collects the mail and I don't appreciate having to try to explain to her what "Portugasm" means. Why does smutty innuendo like this appear in my letterbox. It's difficult enough distracting her from the "sex sells" themes that are prevalent in every shopping centre. I don't appreciate it entering my home. FYI. I have just submitted a complaint to Nandos via their website.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following: *This complaint relates to the same advertising campaign to that which was reviewed by The Board in Case Reports 222/09 & 554/09. In both cases, The Board found that the campaign did not breach Section 2 of the AANA Advertiser Code. Following these findings, we have deliberately continued to provide a definition for Portugasm on our marketing materials, ensuring that there is no express or implied sexual reference. Given this, we believe that on this occasion there has not been any inappropriate use of sexuality or language and that Section 2 of the Code has not been breached.*

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 is sexually suggestive by use of the term 'portugasm'.

The Board noted that the word 'portugasm' is a made up word and does not have any explicit sexual meaning. The Board considered that the intention of the advertisement is meant to be suggestive of 'orgasm' but in the sense of a description of pleasure achieved from consuming the product. The Board considered that any sexual connotation in this advertisement is discrete and unlikely to be taken as sexual by children or indeed by many people in the community.

The Board determined that the advertisement did not use strong or obscene language and did not use inappropriate language and therefore did not breach section 2.5 of the Code. The Board also

determined that any sexual connotation was unlikely but in any case was very discrete and not inappropriate for the relevant audience. The Board determined 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.