



CASE REPORT

1. Complaint reference number 61/07
2. Advertiser Frucor Beverages Australia Pty Ltd (V Energy Drink)
3. Product Food & Beverages
4. Type of advertisement TV
5. Nature of complaint Portrayal of sex/sexuality/nudity – section 2.3
Discrimination or vilification Age - Section 2.1
6. Date of determination Tuesday, 13 February 2007
7. DETERMINATION Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This animated television advertisement opens on a row of cars parked on a hilltop overlooking a cityscape. The scene focuses on a young couple in a car where the male takes a drink of "V", turns up his radio very loud, and starts getting amorous with the female. The music is so loud it reaches the ears of an elderly couple nearby in a caravan who recognise the music as "their song". They start kissing passionately and from the outside we see the caravan rocking violently, as a police officer arrives and reports into his radio "We've got an old couple having sex here". Down in the city, a man hearing this, beats his fist on a car bonnet with laughter. An old woman attacks a muscular young man who fleeing, causes car accidents which result in an explosion. The young couple in the hilltop car see the explosion as fireworks and get sexually excited. The final scene shows all the cars on the hilltop rocking violently and words on screen read "V - inspired".

THE COMPLAINT

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

Thoroughly inappropriate sexual references through the entire ad...

Rocking cars are too explicit, even if with animated characters.

The overt sexuality of these advertisements is ridiculous, and has nothing to do with drinking V energy drinks.

I find it very offensive because I feel the drink is aimed at teenagers and it is encouraging teenage sex.

The imagery of large breasted women and old ladies being sexual.

It is ageist - has a negative portrayal of elderly people and people's attitudes towards them too.

Lewd sexual references and disturbing imagery.

It implies that the consumption of the product will produce increased libido...

The advertisement contains explicit adult themes and inappropriate language.

It was degrading as it indicated making fun of elderly people and sex by their continual display of elderly people being aroused through the influence of V.

The ad is disgusting, portrays sex in an animal way and sends the wrong message about what sex should be about.

THE ADVERTISER'S RESPONSE

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

We do realise that there are acute sexual references in the ad, however in working closely with CADs, we ensured that any tone was very subtle and only used in humor which was crucial in telling the story. This working relationship also allowed us to make certain the ad was suitable to be played during shows containing content of a similar nature. At no stage were we attempting to offend anyone and we did our utmost to ensure the ads were executed with humour and in good taste.

This ad in no way encourages unprotected sex, or underage sex. This ad displays nothing to support underage sex, nor unprotected sex; rather it plays on 'a guy gets girl' situation. Further to this, as per the aforementioned comments on its explicit nature, we don't feel that the act of sex is portrayed strongly. The only people who are suggested to have sex in this ad is an elderly couple.

On television, V.Inspired is represented by V helping our protagonist turn an undesirable situation into a positive one. V is simply the catalyst for a good idea. Not an aphrodisiac. This communication is of mental, not physical stimulation.

In this particular script, V gives the protagonist the inspiration to do something that results in his girlfriend, going from being bored to being mesmerized by the fireworks display.

A further point to note. V has always used animation techniques in their ads. Were we to use real people and real life situations, half of our advertising would not be executable. We feel animation gives a fantasy world feel to our communications. It immediately allows us to play on real life situations with humour and hyperbole. This execution is no different.

As a responsible brand, we do not encourage, nor endorse offensive activity on television.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the advertisement and considered whether it breached Section 2.3 of the Code dealing with sex, sexuality and nudity. The Board noted the complainants' comments that the advertisement was offensive.

The Board considered the animated images of the couples in the cars and noted that the images were comical and exaggerated. The Board agreed that the depictions of the sexual activity were implied and not explicit, and that the fast action and editing in the advertisement detracted from its sexual nature.

On balance the Board agreed that the advertisement, while in bad taste, did not treat sexuality with sufficient insensitivity to warrant removal from broadcast.

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