



## **CASE REPORT**

- |                               |   |
|-------------------------------|---|
| 1. Complaint reference number | 74/07   |
| 2. Advertiser                 | Fairfax Digital (domain.com.au)                 |
| 3. Product                    | Media   |
| 4. Type of advertisement      | Radio   |
| 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 radio advertisement features the sounds of a couple making love while a man in the next room is banging on the wall shouting at them to keep the noise down, pointing out "it's two in the bloody morning!" As the sounds start again, the man pounds on the wall and yells "Bloody hell Mum and Dad. Some of us have to work tomorrow!" A male voice over advises "Need to move house? Try domain.com.au. You can explore thousands of properties, email agents, and it's so simple to navigate...even your parents could use it. Domain.com.au. The easiest way to find property."

## **THE COMPLAINT**

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

*The ad is totally inappropriate and overly sexually explicit, especially for the late afternoon/early evening timeslot. Whilst the concept may be humorous to a small demographic it is certainly offensive as general broadcast item. This is another example of the continual degrading of the standards of advertising that are permitted in our society.*

*My 4 year old daughter asking what the noise is on the radio. How do I tell her that it is two people having sex, moaning and groaning on a squeaky bed?*

## **THE ADVERTISER'S RESPONSE**

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

*The intention of the radio commercial is to depict a light-hearted and humorous scenario that people acknowledge as inconvenient living conditions. Thereby prompting the relevance to those who may be looking for a new place to live. The treatment and sound effects are very much focused on being amusing - not tacky and certainly not offensive. The commercial was written to light-heartedly infer a love-making situation, not to graphically or seriously portray the act of sex. It was always envisaged the ad would be treated with a sense of humour, and by no means cause offense.*

*It is to appeal and only be understood by those mature enough to empathise with such an awkward situation, with the aim to provide a surprising and humorous revelation that the male voice over is actually a man who still lives with his parents. The male voice over has been purposefully casted as a late 30 year old, emphasizing the light-hearted nature of the commercial and the intention for it not be taken too seriously.*

*It is acknowledged there has been limited adverse reaction to the commercial. It will be off air from 28<sup>th</sup> February 2007*

## **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 sound of a couple having sex in advertisement was offensive.

The Board considered the sounds and noted that the advertisement was meant to be comical and exaggerated. The Board agreed that the depiction of the sexual activity was meant to be implied and not explicit, and that the comic value in the advertisement detracted from its sexual impact.

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.