



CASE REPORT

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| 1. Complaint reference number | 87/08 |
| 2. Advertiser | Advanced Medical Institute (Restore your sex life) |
| 3. Product | Professional services |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 12 March 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a yellow background with the words "Restore your sex life" and the words "sex life" emphasised in red letters. Alongside is the symbol for male (a circle with an arrow pointing up and to the right) and inside the circle an image of the head and shoulders of a male/female couple.

THE COMPLAINT

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

Photograph of male/female couple embracing, showing torso and heads. Male is not clothed, female's torso is covered. The advertisements (sic) breaches section 2.3 of the Code, regarding treatment of sex, sexuality and nudity with sensitivity to the relevant audience. The advertisement comprises a prominent billboard on a major road (Dyvon Rd, West Melbourne) with very large red lettering on a yellow background. It is available to a very broad audience, including children. The photographic image is clearly sexual in nature and, when coupled with the lettering, inappropriate for a public forum. The prominence and size of the lettering makes it much easier for young children to read the advertisement. My 6-year old daughter read the advertisement aloud to my 3-year old twins as we drove past. My children deserve a childhood without advertisers like AMI forcing sex onto them. While the products in question are no doubt legitimate, this advertisement is too strong. In particular, the combination of text and images fails is insensitive, given the location and audience.

THE ADVERTISER'S RESPONSE

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

The ad does not breach Section 2 of the Code - I cannot see how this ad breaches any of the issues raised under s2.3 - the ad is not in any way vulgar or sexually explicit. The ad does not use any obscene language or content.

We submit that the ad complies with the Standards as set by the AANA.

Just to let you know the billboard is due to come down within the next few weeks as the advertising term has come to an end.

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 breached Section 2.3 of the code dealing with sex, sexuality and nudity.

The Board viewed the advertisement and considered the complainants' comments that the billboard was insensitive to the community.

The Board noted that the advertisement, by reason of it being a billboard, had a very broad audience, which included young people and people who may usually avoid discussion of sex or sexual matters.

The Board noted that the advertisement is for a sex-related product and that it was legitimate for such a product to mention sex. The Board noted that the billboard did not contain any graphic images and that the word 'sex' was itself not offensive. The Board acknowledged that the size of the billboard's lettering meant that the text of the advertisement would be more visible and hence would be confronting to some people. On the basis only that the advertisement was a billboard, and hence may be viewed by a very broad audience, the Board expressed its belief that this advertisement was at the 'higher end' of what might be considered acceptable by the Australian community.

On balance however the Board held that the advertisement was not insensitive and 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.