



Case Report

1	Case Number	0390/15
2	Advertiser	AdultShop.com Ltd
3	Product	Sex Industry
4	Type of Advertisement / media	Radio
5	Date of Determination	14/10/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a female voiceover describing the free toy giveaway from Adultshop.com. As she talks some of her words are emphasised with gasps or an increase in pitch: "Sometimes it's nice to TREAT yourself with something new. But it's even nicer when someone treats YOU [gasp]...Spend \$40 or more at ADULTSHOP.COM this month and they'll SURPRISE you with a FREE [gasp] toy!"

THE COMPLAINT

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

Inappropriate for children to hear.

An ad on a public broadcaster is a public place. I feel ambushed. It is inappropriate to have sex or simulate sex in a public place - the radio being a public domain. It is also inappropriate for a third party such as Adult shop to simulate orgasm in my private space, like my car and home.

While she was explaining, she kept making sounds as if she was using a sex toy and at the end of what she was saying it sounded like she orgasmed, which I think is highly inappropriate especially during the middle of the day.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

When our script writer writes for us he always produces scripts within the bounds of public decency. Even though we are talking about adult products and adult themes he always tries to be very ambiguous about what the product is so that any person who is not an adult would not know what is being discussed. In this particular commercial, which was an offer to receive a surprise gift, the actress sounded "surprised" as she reacted to receiving an unexpected gift.

The ad deliberately avoids overt reference to anything sex related. Intermittent higher pitched speaking only becomes sexual in the theatre of the mature minded not an adolescent.

To suggest that the sounds are "having an orgasm" is interpreted by each individual's imagination. It is indeed as mentioned above for the speaker to sound "surprised" by receiving a free gift.

The concept of a radio commercial on media outlets is to engage listeners with music and colour, then intermittently play sponsored messages. This is not an "ambush".

adultshop.com due to the nature of its business takes a lot of care when approving radio scripts. We want our scripts to be light and fun. If people use their imagination and interpret the commercial how they want that is up to the individual. Our commercials are intended to make people smile or giggle; it certainly is not our intention to offend listeners.

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 features a woman simulating an orgasm and is not appropriate for airing on the radio where children could hear it.

The Board reviewed the advertisement and noted the advertiser's response.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted this radio advertisement features a female voiceover gasping and increasing the pitch of some her words as she describes the free toy available free when you spend \$40 or more at adultshop.com.

The Board noted it had previously considered a similar complaint about a radio advertisement for the same advertiser in case 0344/13 where:

“The Board noted the advertisement features a female voiceover promoting free toys for everyone who enters an adultshop.com store during September.

The Board acknowledged that there is a level of community concern surrounding the advertising of adult themed products and noted that adult shops are legally allowed to be advertised.

The Board noted the complainant’s concerns regarding the promotion of sex and considered the word ‘sex’ is not actually used in the advertisement. The Board noted that the advertisement makes reference to everyone being a bit nervous their first time and a “free adult toy” and considered that this language is mild and discreet.

The Board noted the complainant’s concerns that children could hear the advertisement regardless of what time of day it is played and considered that while some may prefer that an advertisement for an adult store not have their products advertised, in the Board’s view the references to sex related products in the advertisement are very mild and would be unlikely to be understood by younger children.

Consistent with a recently dismissed case regarding a radio advertisement for Sexyland Store (0290/13) and based on the above, the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.”

The Board noted in the current advertisement that whilst there is a reference to a free toy it is not specified as being an adult toy and there is no mention of the word sex throughout the advertisement.

The Board noted the complainants’ concerns that it sounds as though the woman is experiencing an orgasm during the advertisement. The Board noted that voiceover’s tone and pitch of voice does fluctuate throughout the advertisement and considered that there could be any number of reasons for this, for example stepping in to cold water, or being ticked by someone. The Board acknowledged that given the nature of the advertiser’s products a sexual explanation for the woman’s behaviour is most likely for an adult audience to infer but considered that any sexual connotation is unlikely to be understood by children and overall the advertisement is relatively mild in the context of the advertised product.

The Board considered that the advertisement does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

