



Case Report

1	Case Number	0368/17
2	Advertiser	Love Honey
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	13/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a woman blowing up a long, thin balloon. We then see a quick succession of images: a hotdog, button hole, peach, a battery operated bunny rabbit mounting another battery operated bunny rabbit. A voiceover says, "Let's talk about sex toys" and we see the words 'sex' and 'toys' on screen. The voiceover then goes on to say, "Join millions of satisfied customers all enjoying more exciting sex lives. At Lovehoney we go the extra inch to help you find the right buzzy things, fuzzy things, kinky super sexy things. So whatever gets you off, get in online and with speedy delivery you'll be enjoying yourself in no time". Various images are shown on screen whilst the voiceover is talking, including a woman eating a lollipop, a mobile phone vibrating in a pocket, a pot of hair gel, and a bottle of champagne popping. The final scene shows a couple collapsing on a bed.

THE COMPLAINT

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

This advert is screened at times that my minor child is still awake and flicking through channels. I don't believe that minor children should be exposed/ introduced to sex on this manner.

This advert should only be screened late at night or not at all.

The advertiser also has a narrator saying inappropriate things regarding sex in spite of this being early hours of the day. Even if you are not watching the TV, hearing that engages your attention (1) out of 'wow is this actually on TV' and (2) why would this be so provocative and descriptive visually and verbally at this hour of the day!

This ad could be viewed by children and teens and was offensive to me as an adult. I pay for Foxtel and DO NOT want to see ads like this. It's unbelievable that they would broadcast this at any time.

THE ADVERTISER'S RESPONSE

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

Complaints are in regards to Subscription TV spots.

Lovehoney have strictly adhered to all CAD restrictions on free to air and have endeavoured to work with Foxtel on best and appropriate timeslots and programmes based on viewer feedback.

There is no sexual content in this ad.

The advertisement does not feature explicit nudity or product descriptions and we believe it communicates the products with sensitivity and humour, as per Section 2.4 of the Code of Ethics.

Overall, whilst carefully taking into consideration the complainant's viewpoints and suggestions, we believe that the advert doesn't contravene any areas as laid out in section 2 of the AANA Advertiser Code of Ethics. Also taking into consideration ASTRAs code of practice, we feel that the content of the advert is appropriate.

THE DETERMINATION

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

The Board noted the complainant's concerns that the advertisement is offensive in its promotion of sex toys, and not appropriate for children to view.

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

The Board 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 that this television advertisement features a voiceover talking about sex toys and images such as a woman eating a lollipop and a toy rabbit mounting another toy rabbit.

The Board noted that the advertisement was aired on Pay Television. The Board noted the Australian Subscription Television and Radio Association (ASTRA) Codes of Practice (http://www.astra.org.au/images/pages/ASTRA_Subscription_Broadcast_Television_Codes_of_Practice_2013.pdf) which provide that:

- All advertisements must be given an appropriate television classification based on the usual classification criteria.
- The Licensee must take into account the intellectual and emotional maturity of the intended audience of the channel when scheduling advertisements.

The Board noted the complainant had viewed the advertisement on Foxtel Channel 613, Crime and Investigation and considered that this channel is described as the home of true crime and in the Board's view is unlikely to attract a child audience.

The Board noted it had previously dismissed a similar complaint for the same advertiser in case 0519/14 where:

“...the Board noted that the advertisement did not feature any explicit nudity or descriptions of what the couples were intending to do with the products that they purchased. The Board considered that whilst the topic of the advertisement was of a sexual nature, the couples were not engaged in sexual acts and the advertisement was not inappropriate in the context of an advertisement aired in a mature audience programming.”

In the current advertisement the Board noted the references to sex toys and considered that the toys are not pictured in the advertisement and the overall tone is playful and fun rather than explicitly sexual. The Board acknowledged that some members of the community would prefer this type of product not be advertised but considered that in this instance, the manner in which the sex-related product is advertised is not strongly sexualised and not inappropriate in the context of an advertisement airing on a Subscription Television channel directed at a mature audience.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaint.

