



**Australian
Broadcasting
Authority**

ADVERTISING OF TELEPHONE SEX SERVICES

**FINAL REPORT
TO
THE MINISTER FOR COMMUNICATIONS,
INFORMATION TECHNOLOGY AND THE ARTS**

(PURSUANT TO THE DIRECTION TO THE ABA NO. 2 OF 1999)

Advertising of telephone sex services
Report to the Minister for Communications, Information Economy and the Arts

**Australian Broadcasting Authority
Sydney
December 2000**

Advertising of telephone sex services
Report to the Minister for Communications, Information Economy and the Arts

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201 Sussex Street
Sydney NSW 2000

Commonwealth of Australia
Broadcasting Services Act 1992
Direction to the ABA No. 2 of 1999

I, RICHARD KENNETH ROBERT ALSTON, Minister for communications, Information Technology and the Arts, under subsection 171(1) of the *Broadcasting Services Act 1992*, direct the ABA to investigate, during the period beginning on 1 December 1999 and concluding on 30 November 2000:

- (a) the levels of advertising in Australian media for designated telephone sex services; and
- (b) the extent of any changes to these levels during the above period; and
- (c) the extent to which advertisement for designed telephone sex services are placed in restricted publications and in unrestricted publications; and
- (d) the content and placement of advertisements for designated telephone sex services in unrestricted publications, including whether or not the advertisements are placed in close proximity to matters of interest to children.

The matters covered by this Direction are relevant to the making of regulations under section 158d of the *Telecommunications (Consumer Protection and Services Standards) Act 1999*.

I direct the ABA, under subsection 178(1) of the *Broadcasting Services Act 1992*, to provide me with:

- (a) a final report on its investigation by 15 December 2000; and
- (b) interim reports every 3 months during the investigation.

I direct the ABA, under subsections 179(2) of the *Broadcasting Services Act 1992*, to publish its final report.

In this Direction:

Australian Media means:

- (a) newspapers, magazines and other print matter published in Australia; and
- (b) radio programs provided under a commercial radio broadcasting licence; and
- (c) television programs provided under a commercial television broadcasting licence.

children means individuals under the age of 18 years.

Classification Board means the Classification Board established by the *Classification (Publications, Films and Computer Games) Act 1995*.

designated telephone sex services means services that:

- (a) appear, on the basis of advertisements for the services, to be telephone sex services; and
- (b) are, to any extent, supplied or offered to be supplied to end-users in Australia using an access code for international telephone calls.

[Note: An example of designated telephone sex services are those supplied or offered to be supplied on the 0011 number range.]

publication has the same meaning as in the *Classification (Publications, Film and Computer Games) Act 1995*.

restricted publications means publications classified as Restricted (Category 1 or Category 2) by the Classification Board, applying criteria set out in the National Classification Code and in the Guidelines for the Classification of Publications determined under the *Classification (Publications, Film and Computer Games) Act 1995*.

telephone sex services has the same meaning as in section 158J of the *Telecommunications (Consumer Protection and Services Standards) Act 1999*.

unrestricted publications means publications that are not restricted publications.

Dated 30 November 1999.

Signed: Richard Alston
Minister for Communications, Information Technology and the Arts

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EXECUTIVE SUMMARY

On 30 November 1999, the Minister for Communications, Information Technology and the Arts directed the ABA to conduct an investigation into the advertising of 'designated telephone sex services' during the period beginning on 1 December 1999 and concluding on 30 November 2000.

'Designated' telephone sex services are those services that, on the basis of the advertisements for the services, appear to be telephone sex services and are supplied or offered to be supplied to end-users in Australia using an access code for international telephone calls.

The ABA was directed to investigate:

- ◆ the levels of advertising in Australian media (print and electronic) for designated telephone sex services; and
- ◆ whether these levels change over the period of the investigation; and
- ◆ the distribution of advertisements for designated telephone sex services between restricted and unrestricted publications; and
- ◆ the content and placement of advertisements for these services in unrestricted publications, including whether or not the advertisements are placed near to matters of interest to children.

The matters covered by the Direction are relevant to the making of regulations under section 158D of Part 9A of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (the Act). Part 9A of the Act was introduced to address concerns that telephone sex lines are too easily accessed by children.

The ABA drew up a list of relevant publications, arranged for their purchase or acquisition for the sample periods selected for the surveys, and undertook an analysis of the advertising contained therein. The publications chosen were available from locations accessible to children. The ABA did not include Restricted Category 2 publications in its survey, as these are not publicly displayed, being publications permitted to be displayed only in premises that are restricted to adults.

For its investigation of advertising in the electronic media, the ABA purchased data from AC Nielsen Pty Limited (formerly Australian Independent Media Data Pty Ltd), covering the sample periods selected for the surveys. The ABA undertook analysis of the advertising content therein.

The ABA collected data for all telephone sex services, including those prefixed by 190* (1900/1901/1902), 'other' (1300/1800/local) and designated (0011) in order to measure changes in the different categories..

The survey periods occurred in December 1999, March 2000, June 2000 and October 2000.

The main findings of the investigation include:

- The number of advertisements for 190* (1900/1902) telephone sex services has markedly decreased over the course of the investigation, although there has been a slight increase in the number between the June and October sample periods.
- The number of advertisements for local/other prefixed services has increased.
- There has been a considerable increase in the level of advertising for ‘designated’ telephone sex services.
- Data for television indicates that the rate of advertising for telephone sex services (commencing with any prefix) has decreased quite dramatically. Again, there have been increases between June and October, but this does not bring the level the point reached in December 1999 – January 2000.
- The content of the advertisements for 190* services is now relatively mild, and somewhat ambiguous. On the other hand, advertisements for designated services are explicit, and actually ‘stand out’, when set against the advertisements for 190* services.
- There was no evidence of the use of the 1901 prefix in the October sample period. However, there has been some use of this prefix in the June sample period.

The ABA has concluded that:

- There are few telephone sex services providers offering services in the number range 1901; the rate of compliance with Part 9A of the Act would appear to be low.
- The reduction in the number of 190* services, coupled with the toning down of the content of the advertising will have contributed to realising the policy intent of Part 9A of the Act.
- However, there has been an increase in the number of international services, and these services continue to be advertised in a direct and provocative manner.

BACKGROUND

Legislative framework

On 5 July 1999 the Telecommunications (Consumer Protection and Service Standards) Act received Royal Assent. Part 9A of this Act was intended to address community concerns that telephone sex lines are too easily accessed by children of standard telephone service customers.

Under the legislation, a telephone sex service provider or carriage service provider is not to engage in ‘unacceptable conduct’ in relation to a telephone sex service. The Act provides, at section 158B(2):

For the purposes of this Part, if:

- (a) a telephone sex service provider uses a standard telephone service to supply a telephone sex service to an end-user in Australia; and
- (b) the supply is by way of a voice call; and
- (c) a person (the *relevant customer*) is a customer of a carriage service provider in relation to the voice call; and
- (d) a charge for the supply of the telephone sex service is expected to be included in a bill sent by or on behalf of the carriage service provider to the relevant customer;

the telephone sex service provider and the carriage service provider are taken to have *engaged in unacceptable conduct* in relation to the telephone sex service unless:

- (e) the relevant customer has agreed in writing to the use of the standard telephone service to supply telephone sex services in general; and
- (f) the telephone sex service provider has reason to believe that:
 - (i) the relevant customer has been issued with a Personal Identification Number that provides a means of limiting access by other persons to telephone sex services supplied using the standard telephone service; or
 - (ii) the relevant customer has been provided with some other means of limiting access by other persons to telephone sex services supplied using the standard telephone service; and
- (g) the telephone sex service provider has reasons to believe that:
 - (i) if subparagraph (f)(i) applies – the end-user of the telephone sex service has used the Personal Identification Number referred to in that subparagraph to access the telephone sex service; or
 - (ii) if subparagraph (f)(ii) applies – the end-user of the telephone sex service has used the other means referred to in that subparagraph to access the telephone sex service; and
- (h) the voice call is made to a number with an approved prefix.

To summarise, the following safeguards are to apply to such services:

- ◆ All telephone sex services must be moved to a special number range, with the prefix 1901.
- ◆ Access to the 1901 number range will be barred from all telephones except where the telephone customer has elected in writing to be able to access that number range.
- ◆ Providers of telephone sex services must provide their customers with a PIN that must be used to access such services.
- ◆ Telephone companies will not be entitled to bill customers for telephone sex services unless they are on the 1901 number range.

Ministerial Direction

On 30 November 1999, under subsection 171(1) of the *Broadcasting Services Act 1992*, the Minister directed the ABA to investigate, during the period beginning on 1 December 1999 and concluding on 30 November 2000:

- (a) the levels of advertising in Australian media for designated telephone sex services;
- (b) the extent of any changes to these levels during the above period; and
- (c) the extent to which advertisements for designated telephone sex services are placed in restricted publications and in unrestricted publications; and
- (d) the content and placement of advertisements for designated telephone sex services in unrestricted publications, including whether or not the advertisements are placed in close proximity to matters of interest to children.

The Direction includes the following definitions:

Australian media means:

- (a) newspapers, magazines and other print matter published in Australia; and
- (b) radio programs provided under a commercial radio broadcasting licence; and
- (c) television programs provided under a commercial television broadcasting licence.

Children means individuals under the age of 18 years

Designated telephone sex services means services that:

- (a) appear, on the basis of advertisements for the services, to be telephone sex services; and
- (b) are, to any extent, supplied or offered to be supplied to end-users in Australia using an access code for international telephone calls.

Restricted publications means publications classified as Restricted (Category 1 or Category 2) by the Classification Board, applying the criteria set out in the National Classification Code and in the Guidelines for the Classification of Publications determined under the *Classification (Publications, Films and Computer Games) Act 1995*.

Unrestricted publications means publications that are not restricted publications

The Minister also directed, under section 178(1) of the Broadcasting Services Act, that the ABA provide him with interim reports every three months during the investigation and a final report on the investigation by 15 December 2000. Further, the ABA is to publish this final report, pursuant to section 179(2) of the Broadcasting Services Act.

At the time the legislation was introduced concerns were expressed that the new arrangements would drive telephone sex lines off-shore, effectively out of the reach of the regulatory regime. The Direction thus flags that the matters covered during this investigation are relevant to the making of regulations under section 158D of Part 9A of the Act.

Under section 158D of the Act, the regulations may prohibit or regulate any or all of:

- (a) the supply of a specified telephone sex service
- (b) the taking of specified calls to a specified telephone sex service;
- (c) the use of standard telephone service to supply a specified telephone sex service;
- (d) the use of standard telephone service to carry specified calls to a specified telephone sex service;
- (e) the advertising of a specified sex service;
- (f) the promotion of a specified sex service.

The regulations may confer on the Australian Communications Authority or the ABA 'a power to make a decision of an administrative character' (section 158D(2)).

DEFINITION OF A TELEPHONE SEX SERVICE

The Act, at section 158J, defines a telephone sex service as follows:

- (1) For the purposes of this Part, a **telephone sex service** is a commercial service supplied using a standard telephone service, where:
 - (a) the supply is by way of a voice call made using the standard telephone service; and
 - (b) having regard to:
 - (i) the way in which the service is advertised or promoted; and
 - (ii) the content of the service;

it would be concluded that a majority of persons who call the service are likely to do so with the sole or principal object of deriving sexual gratification from the call.
- (2) However, a service is not a telephone sex service if it is a therapeutic or counselling service provided by a person registered or licensed as a medical practitioner, or as a psychologist, under a law of a State or Territory.

The ABA recently approved Guidelines for Telephone Sex Services, which summarise its role under Part 9A of the Telecommunications (Consumer Protection and Service Standards) Act.¹ The Guidelines are intended to illustrate the approach to be followed by the ABA in this regard when considering whether to issue an evidentiary certificate pursuant to section 158F of the Act, without limiting the ABA in any future consideration of these matters.

The Guidelines set out the ABA's view of the separate elements of the test for a telephone sex service. It considers that the following meanings apply:

Sole or principal object: Callers may, for whatever reason, have expectations of the call apart from deriving sexual gratification within a short timeframe. For example, 'chatting' on the 'phone about non-sexual matters, or arranging to meet ('dating'). However, for a service to be a telephone sex service, the principal object must be deriving sexual gratification from the call. Any additional expectations must be secondary to this.

Deriving sexual gratification: To experience sexual pleasure and/or sexual arousal.

From the call: As a direct result of the content of the call; not contingent on some other event.

It should be noted that, while section 158J of the Act requires that both the advertising or promotion of the service and the actual content of the service are to be considered in any

¹ The ABA's Guidelines for Telephone Sex Services can be found at www.aba.gov.au/what/telephone/index.htm.

determination that a service is a telephone sex service, for the purposes of this investigation the ABA has only considered the advertisements for the services at face value.

METHODOLOGY

Survey period

In terms of the print media, this report incorporates data from four sample periods.

The first sample period was in December 1999. In particular, publications were obtained in the period 15 – 24 December 1999. The second sample period occurred in March 2000, with publications obtained between 12 and 18 March 2000. The third sample period occurred in June 2000, with publications obtained between 19 June 2000 and 13 July 2000. Publications for the final sample period were obtained between 23 – 28 October 2000.

Data for television and radio

For its investigation into advertising in the electronic media, the ABA purchased data from AC Nielsen Australia Pty Limited (previously Australian Independent Media Data Pty Ltd), covering the period of the investigation. The ABA undertook analysis of the advertising content therein.

Publications considered

The classification categories for publications are Unrestricted, Restricted Category 1 and Restricted Category 2. Consumer advice is generally not provided for publications. However, material classified 'Unrestricted' that is not recommended for readers under 15 years of age will be labelled with an Unrestricted label and consumer advice that reads: 'M' – not recommended for readers under 15 years.

In December 1999, the ABA conducted a scan of a range of publications, from which it selected a number of indicative publications from each category as the sample base. Two Restricted Category 1 magazines were selected to represent that category. The ABA did not include Restricted Category 2 publications in its survey, as these are not publicly displayed, being publications permitted to be displayed only in premises that are restricted to adults. The Unrestricted sample was wider, and comprised daily and weekly newspapers from New South Wales (metropolitan and suburban), Queensland and the ACT. A number of magazines with national circulation were also included. This featured 'Unrestricted' magazines carrying an 'M' warning.

The publications chosen for the survey were:

Unrestricted newspapers

- ◆ The *Telegraph* (Sunday and Daily)
- ◆ The *Canberra Times*
- ◆ The *Queensland Times* (Ipswich Queensland)

- ◆ *News-Mail* (Bundaberg Queensland)
- ◆ *The Glebe and Inner Western Weekly* (Sydney)
- ◆ *The Inner Western Suburbs Courier* (Sydney)
- ◆ *Sydney Star Observer*

Unrestricted magazines

- ◆ *Cleo*
- ◆ *Ralph*

Unrestricted magazines carrying an 'M' warning

- ◆ *Australian Women's Forum*
- ◆ *Hustler*
- ◆ *People*
- ◆ *The Picture*

Category 1 restricted publications

- ◆ *Hustler*
- ◆ *Penthouse*

The nominated publications were available from locations accessible to children, such as newsagents, supermarkets, music shops, and, in one case, the local vet's surgery. Copies of regional Queensland papers were provided to the ABA by the publisher.

Categorisation of advertisements

For the purposes of this investigation, the ABA considered advertisements in the following categories: telephone sex services, chat and dating services, and those promoting contact for casual sex. Advertisements were then subdivided according to the prefix of the telephone number: 190* (1900/1901/1902); other (local/1300/1800); and designated (0011).

Advertisements were categorised according to the following criteria:

Phone sex

These advertisements give the strong impression that the aim of the call is to provide sexual gratification from the call. In Unrestricted publications, the text of these advertisements may use language such as 'live', 'stories', 'instant action', 'peeping tom', 'eavesdrop',

‘uncensored’ and ‘XXX’. In publications at the Unrestricted (‘M’) and Restricted Category 1 end of the scale, the terms could be quite sexually explicit.

Visually, the content of the advertisements could be sexually suggestive – models pout, and strike seductive poses. Particularly in Restricted Category 1 publications this may include depictions of nudity/genitalia and simulated sexual activity.

‘Friendship’/chat/relationships/contact/connections

Sex is not explicitly referred to in these advertisements. Rather, they appear to promote the opportunity for people to make contact, either through listening and responding to recorded messages, or through ‘party’ line discussions.

Text includes references to ‘dating’, ‘chatting’, ‘connecting’, and forming ‘relationships’.

The pictorial content of the advertisements is not overtly sexual in nature. Models (of both sexes) may be fully dressed, and smiling in a happy (as opposed to provocative) manner. Some of the gay male contact lines do feature bare upper torso shots, but in body-building poses rather than sexually suggestive ones.

Casual sex/affairs

These advertisements appear to promote meeting for actual sexual contact, rather than obtaining sexual gratification during the call itself.

The system of measurement

In its approach to this investigation the ABA decided that the count of advertisements should focus on the number of advertisements, rather than the total of telephone numbers advertised. This is because one advertisement, placed by one telephone sex service provider, may contain many dozens of different numbers. Where an advertisement featured two different types of phone numbers (for example, a 1900 and a 0011 number) it has been included twice in the tally. On the other hand, one advertisement may feature multiple phone numbers of the same type (all local, all 1900, all 0011) and usually sequential. These were counted once only.

FINDINGS

(a) The levels of advertising in Australian media for designated telephone sex services;

Print media

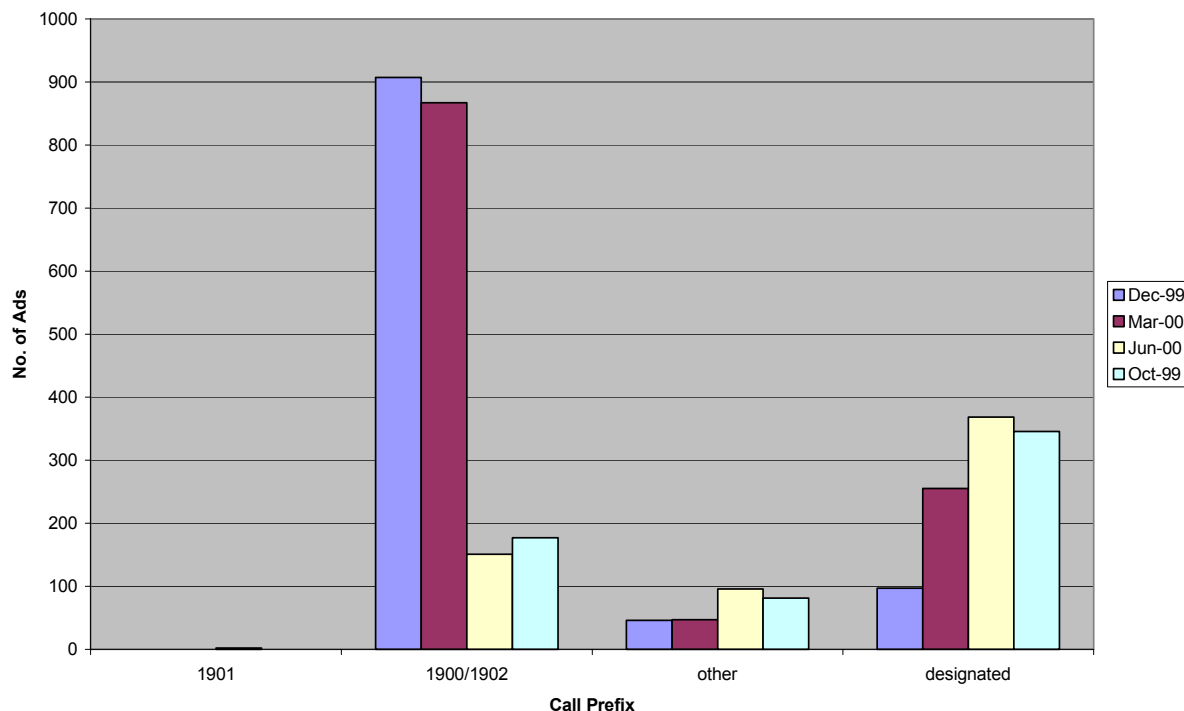
Over the period of the investigation, there has been a substantial fall in the number of advertisements for telephone sex services overall with a particularly marked decrease in the number of advertisements for 190* telephone sex services. However, the number of advertisements for services commencing with local/other prefixes (offering alternate billing mechanisms), and also for designated services, has increased.

Table 1: Changes in the level of advertising (number of advertisements)

	190*	Other	Designated	Total
December 1999	907	46	97	1050
October 2000 (rounded figures)	177	81	346	604
% difference December 1999 – October 2000	-80.49%	+76.1%	+256.7%	-42.5%

Graph A also illustrates the changes which have occurred in the level of advertising of telephone sex services over the period of the investigation. This graph compares the number of 190*, 'other' and designated telephone sex service advertisements across the periods surveyed. While there has been a slight increase in the number of advertisements for 190* services, and slight decreases for 'other' and designated services between the June and October survey periods, at the conclusion of the period covered by the investigation the majority of advertisements are for designated telephone sex services.

Graph A Telephone Sex Service Ads by Call Prefix



To elaborate on these changes in the advertising of telephone sex services, Table 2 sets out a proportional representation of advertising over the four sample periods:

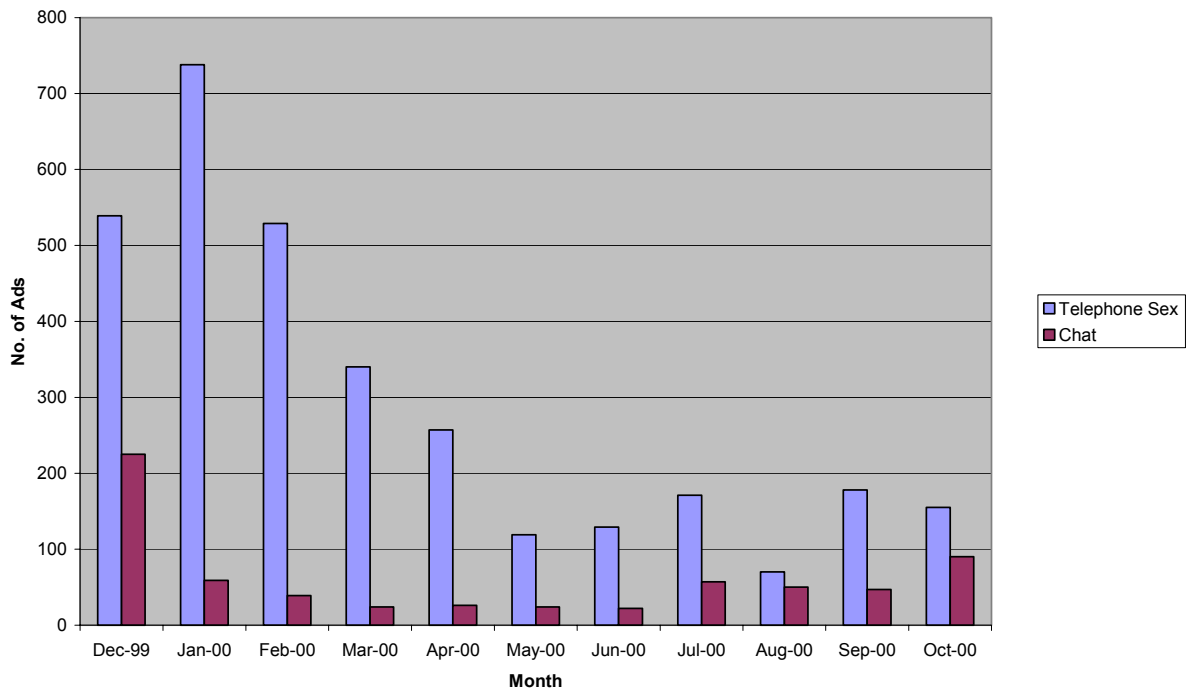
Table 2: Changes in the proportion of advertisements for 190*/other/designated telephone sex services

Service prefix	December 1999	March 2000	June 2000	October 2000
1901	-	-	0.32%	-
1900/1902	86.38%	74.17%	24.48%	29.31%
Other	4.38%	4.02%	15.56%	13.41%
Designated	9.24%	21.81%	59.64%	57.28%
Total	100%	100%	100%	100%

Television

Graph B provides a comparison of advertising of telephone sex services and chat lines on commercial television in Sydney, for the period December 1999 – October 2000 (total numbers). This indicates that, over the period covered by this investigation there has been a decrease in the number of advertisements broadcast for both telephone sex services and chat/dating services.

Graph B: Commercial Television (Sydney - All Networks) Telephone Sex Services and Chat Services



Data available to the ABA shows that the majority of advertisements for telephone sex services are 190* services. Advertising for designated telephone sex services is at a very low level, and has not altered demonstrably over the period of the investigation.

From the data available to the ABA, it would appear that all telephone sex service advertisements have been scheduled for broadcast between midnight and 5am. This is in line with the requirements of Clause 6.16 of the Commercial Television Industry Code of Practice.

Radio

Data available to the ABA about the level of advertising of telephone sex services on commercial radio indicates that there has been a drop in the number of advertisements being broadcast.

Table 3: Advertising of telephone sex services on commercial radio

Market	Dec 99	Jan 00	Feb 00	Mar 00	Apr 00	Jul 00	Aug 00	Sep 00	Oct 00	% difference
Sydney	43	50	40	40	40	33	11	12	2	-95.35%
Melbourne	26	45	-	40	40	33	9	12	2	-92.3%
Brisbane	44	50	40	40	40	36	11	12	2	-95.45%
Adelaide	48	56	40	40	40	34	10	12	2	-95.84%
Perth	44	-	-	-	-	-	-	-	-	-100%

Note: Data are unavailable for May – June, indicating that no advertisements were placed during this time.

The advertisements were broadcast between 7 p.m. and 5 a.m. (mainly after 10 p.m.), the majority being placed by one advertiser ‘Fantasy Phone Calls’. As previously reported, there is no evidence to suggest that the services being advertised are designated telephone sex services.

It should be noted that no data were available for Tasmania, the ACT or the Northern Territory

(b) The extent of any changes to these levels during the above period;

Print media

As noted under (a) above, there has been a fall in the level of advertising in the print media for telephone sex services overall. However, the number of advertisements for designated telephone sex services has increased, and thus the proportion of designated telephone sex services has increased in relation to 190* and local/other prefix services. While there has been a slight decrease in the number of advertisements for designated services between the June and the October sample periods, overall the increase in the level of advertising has been sustained.

TV/radio

For television, it appears that there has been a significant reduction in the number of advertisements for telephone sex services as well as chat services scheduled over the period since the introduction of the Act (refer to Graph B, on p13). Similarly, data available for commercial radio indicates a fall in the number of advertisements for telephone sex services being broadcast. There is no evidence to suggest that there has been any increase in the level of advertising for designated telephone sex services over the periods surveyed.

Reasons for the change advertising patterns

Chat vs Telephone Sex – Definitional issues

Over the course of the investigation the content of advertisements for 190* prefixed services became less obviously sexual. In many cases, it became difficult to easily identify which category of service an advertisement fell into.

The Act requires that both the advertising or promotion of the service *and* the actual content of the service are to be considered in any determination that a service is a telephone sex service. However, for the purposes of this investigation the ABA has only been required to make a judgement about the category of service to which a particular service belongs, based only on the advertisement itself. As a result, in some cases it is conceivable that a service which seems, on the basis of the advertisement, to be a chat/dating service, or one offering casual encounters, might actually be a telephone sex service.

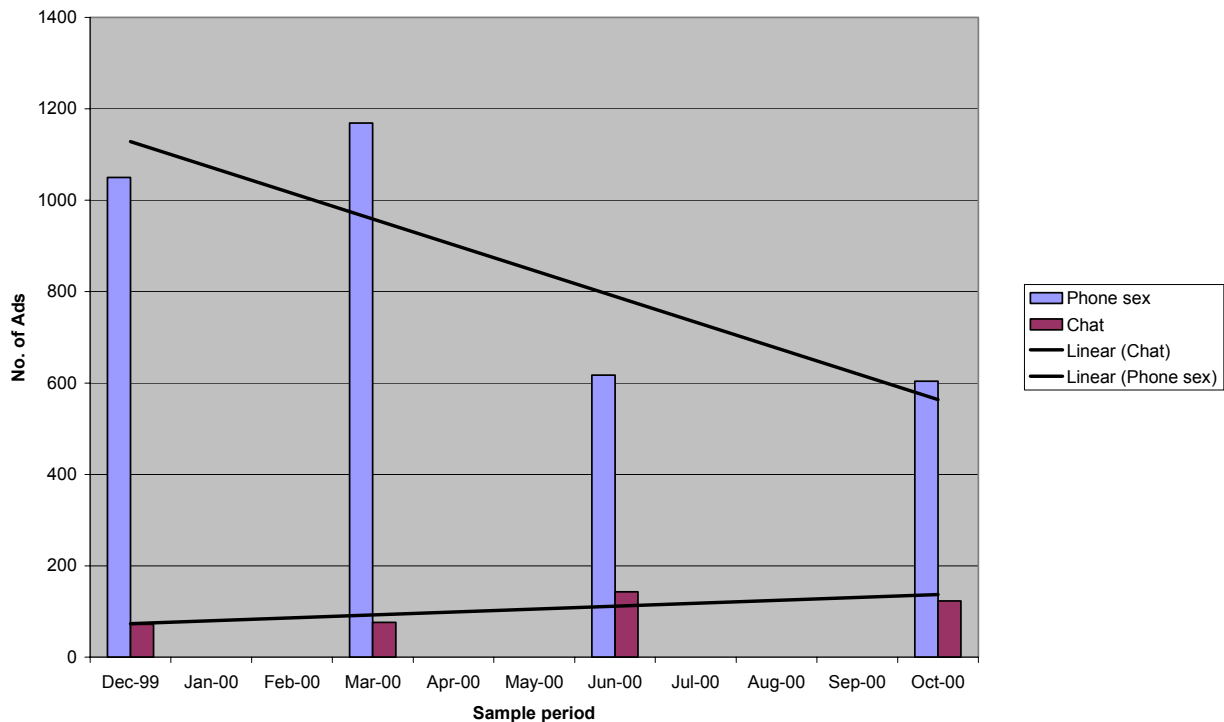
Some evidence has been collected over the course of the investigation which indicates that services which were considered to be telephone sex services in the December 1999 sample, would, on the basis of the advertisement alone, actually be categorised as ‘chat’ services in the October 2000 sample. In these cases, an advertisement may have the same pictorial content, and the same telephone number, however, the text has been ‘toned’ down. For example

December 1999: 2 on 1 Sex, We’re hot horny and wild, Can you go the distance?

October 2000: 2 on 1 Chat, We’re waiting for your call, Talk to two girls, You’ll be glad you called!

Graph C illustrates the increase in the number of print media advertisements for ‘chat’ services compared to the decline in the number of advertisements for telephone sex services over the period December 1999 to June 2000.

Graph C: Comparison of Advertisements for Telephone Sex Services and 'Chat' Services (Print)



Going offshore – services changing from 190* to 0011

In the course of the investigation it was noted that, in some cases, print advertisements which appeared in December 1999 or March 2000 promoting a 190* prefixed number, were used in October to promote an international number. This would appear to support the view that services are relocating ‘off-shore’.

However, given the speed at which numbers can change, and the lack of consistency in advertising such services, it is not possible to quantify the shift for telephone sex service providers from 190* to 0011 services with any exactitude.

One advertisement/Multiple numbers with different prefixes

One point of particular interest noted over the course of the investigation was the increasing number of advertisements in the print media which contain two or more phone numbers of different prefix categories, or which provide alternate billing options.

There were a considerable number of advertisements which incorporated both a 190* number and an international (that is, designated) contact number. This was particularly evident in the daily newspaper sector of the market, and also in unrestricted magazines with an ‘M’ warning and Category 1 Restricted publications.

A number of advertisements also offered would-be callers a range of billing options. That is, a caller could elect to have the charge included on his/her telephone bill, could choose to pay by credit card, or could even pay a flat fee (usually \$30) to cover the cost of the service. In

addition there were an increased number of services with a 1300 (local call charge) or 1800 (freecall) prefix, offering credit card billing.

One advertisement / multiple numbers with the same prefix

At the commencement of the investigation many advertisements featured a sequence of numbers, offering a ‘menu’ selection for the would-be caller to choose from. In some cases advertisements featured more than 50 telephone numbers.

For 190* prefixed services this practice has virtually ceased. In the October sample, almost all advertisements featured one telephone number only. However, advertisements for designated telephone sex services in most cases continue to feature more than one contact number.

(c) The extent to which advertisements for designated telephone sex services are placed in restricted publications and in unrestricted publications. (Print media only)

The majority of advertisements for telephone sex services are placed in Unrestricted publications carrying an ‘M’ warning. Over the period of the investigation, however, the difference between these publications and Unrestricted newspapers and Category 1 Restricted publications has narrowed.

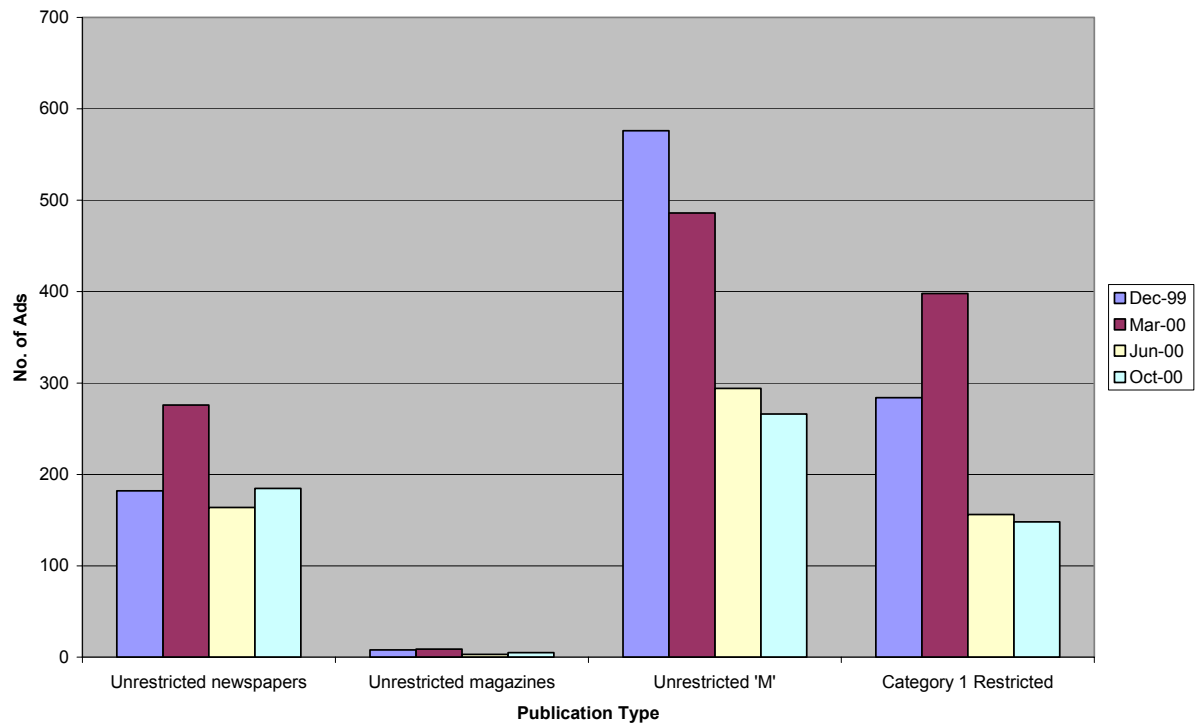
Table 4: Changes in the placement of advertisements

	Dec-00	Mar-00	Jun-00	Oct-00
Unrestricted Newspapers	17.34%	26.61%	26.58%	30.63%
Unrestricted Magazines	0.76%	0.77%	0.49%	0.83%
Unrestricted Magazines with ‘M’	54.86%	41.57%	47.65%	44.04%
Category 1 Restricted	27.04%	34.05%	25.28%	24.5%
Total	100%	100%	100%	100%

Reflecting this broader pattern, the majority of advertisements for designated telephone sex services are placed in Unrestricted publications carrying an ‘M’ warning. However, there has been an increase in the level of advertising for designated telephone sex services in all categories of publication, including Unrestricted newspapers.

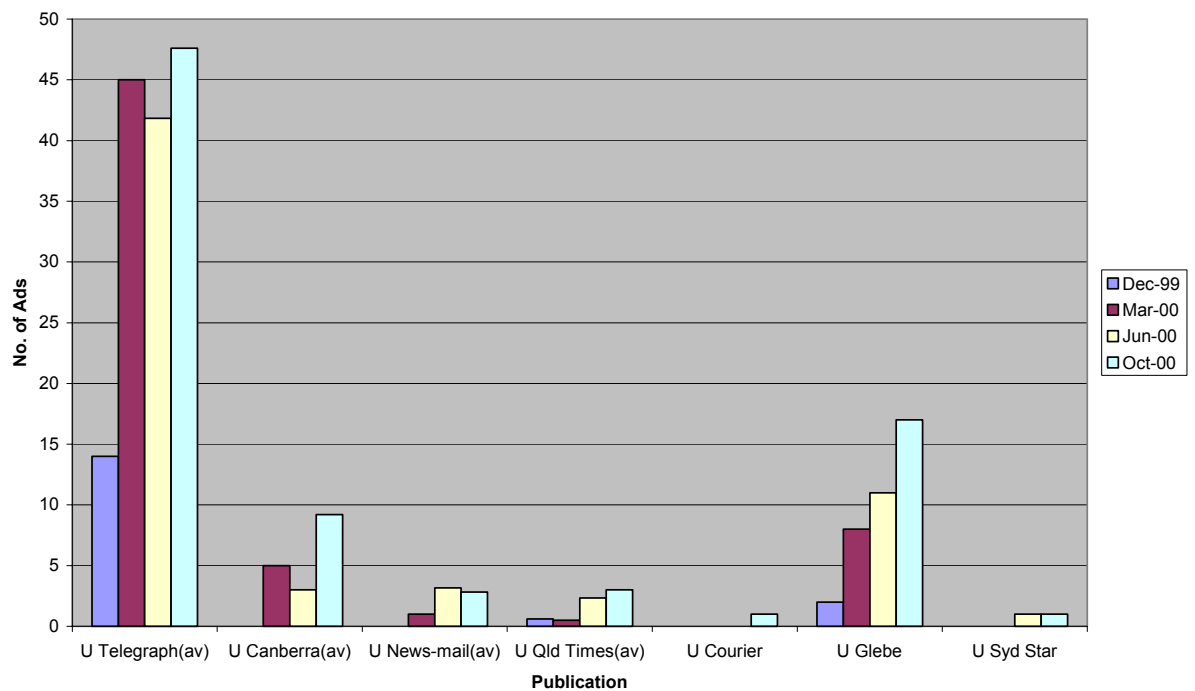
Graph D compares the number of advertisements for telephone sex services by publication category - overall, by call prefix (190*, other and designated services). The graph illustrates the fact that although decreases are evident in the overall volume of advertisements for telephone sex services in these publications, the majority of advertisements for telephone sex services (all prefixes) continue to be placed in Unrestricted publications carrying an ‘M’ warning.

Graph D: All Telephone Sex Services by Publication Type

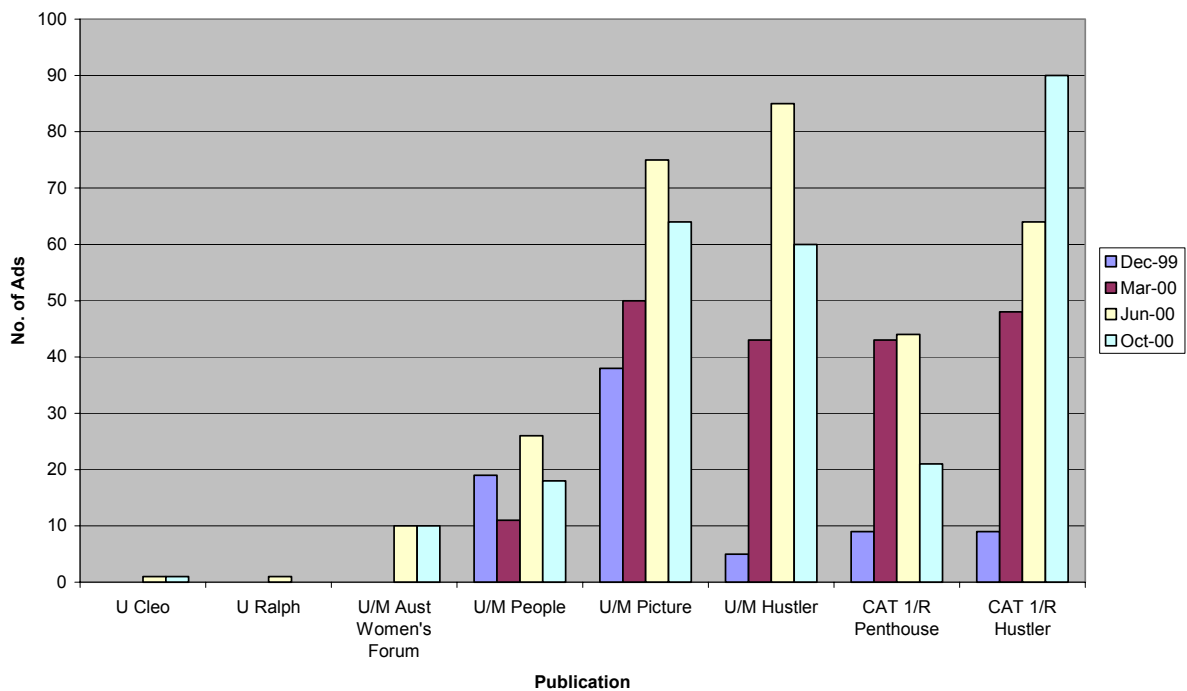


The following graphs illustrate the placement of advertisements for designated telephone sex services according to the publications surveyed:

Graph E1: Advertisements for Designated Telephone Sex Services by Publication - Newspapers



Graph E2: Advertisements for Designated Telephone Sex Services by Publication - Magazines



(d) The content and placement of advertisements for designated telephone sex services in unrestricted publications, including whether or not the advertisements are placed in close proximity to matters of interest to children. (Print media only)

Content

Increasingly, over the period of the investigation, the text of advertisements for 190* services has become less direct or explicit than that used in advertisements for local/other and designated services. Advertisements for 190* services are now quite ambiguously phrased, and often are indistinguishable from advertisements for ‘chat’ or ‘dating’ services. This is true for all categories of publication. Many advertisements for 190* services now carry small print warnings that ‘this is not a sex service’. Other advertisements, which offer services commencing with a range of prefixes will nominate the 190* service as ‘chat’, and the other/designated services as ‘XXX’ or ‘Uncensored’.

On the other hand, advertisements for designated telephone sex services, and also those services billed by credit card or some other means, continue to be phrased in direct terms, which leave little doubt as to the nature of the service. The effect of this is that advertisements for designated telephone sex service are highlighted by contrast to advertisements for 190* services.

The following are examples of text used in advertisements for telephone sex services, according to whether or not it is a 190*, ‘other’ or designated service:

Unrestricted newspapers

190*: Asian Dreams Live 24 hrs

Other: XXXTREME. The ultimate adult phone service (We'll match you \$ for \$)

Designated: Hot and Wild. Totally Uncensored.

Unrestricted publication with 'M' warning

190*: Live 1-2-1

Candid Chat 24 hours Ladies on line

Live Live Live Be the first to call me and just talk live

Local/Other: Oz's best phone sex Anything go's (sic) Photos and panties on request

Live sex talk Live busty babes await your call Do it now

Designated: Hot Live Sex Action (Choose from 'Dominating Desires', 'Love me in Leather' or 'Call for Correction')

Phone fetishes Fanatasies (sic) and Confessions

In terms of visual content, there is little to distinguish advertisements for 190* telephone sex services from those for other and designated services. None of the advertisements in Unrestricted publications included in the June survey (including those with an 'M' warning) contain nudity or explicit representations of sexual activity. Models are clothed, albeit in lingerie, low cut dresses or in costumes (for example, a rabbit). Some advertisements feature bare backs/over-the-shoulder shots for women, and bare upper torso shots for men. However, most pictures are head and shoulder shots. In some instances a pictures of an otherwise naked woman might have the pertinent areas obscured by the phone number or hidden by some other technique. If a distinction can be drawn it would be to say that the visual content of advertisements for 190* services is marginally more restrained than that for local/other and designated services.

It should be noted that the content of the advertisements in Unrestricted publications must comply with the relevant Guidelines². That is, language and images cannot be detailed or high in impact. Unrestricted publications carrying an 'M' warning, while employing stronger descriptions of sexual activity, must also be within the limits set by the Guidelines.

Placement

In terms of the placement of advertisements, the investigation has found that in Unrestricted publications (such as daily and weekly newspapers) advertisements for all telephone sex services, including designated services, are included in the classifieds section of the paper. In

² Guidelines for the Classification of Publications, 1999, Office of Film of Literature Classification

some cases, this was quite near to the comic strip pages, which may be of particular interest to children.

In most cases, the advertisements were preceded and followed by other classified sections of no particular interest to children, such as Employment, Real Estate, and Public Notices. In one case, however, a 'Kids Classifieds' section was placed within two columns of the Adult services section.

In almost all the newspapers included in the survey, the *Classifieds* were followed by the Sport section. It is quite likely that this would be a section of the newspaper of particular interest to children.

In the Unrestricted magazines surveyed, the advertisements continue to appear in the *Classifieds* sections, towards the end of the publication. It is safe to say that none of the articles within the publications considered in the course of the investigation could be said to be of particular interest to children, nor did they appear to be directed or targeted to children.

In two of the three Unrestricted magazines which carried an 'M' warning, advertisements were placed throughout the magazine. Again, these publications do not contain articles of any obvious interest to children.

OTHER MATTERS

Evidence of use of the approved prefix

In the June survey one publication (*Australian Penthouse*) contained advertisements for 1901 services (two advertisements). However, all other 190* telephone sex services that were advertised carried 1900 or 1902 prefixes.

This was the only occasion in the course of this investigation where use of the prefix 1901 was evident.

CONCLUSIONS

From the data collected in the course of this investigation, it is possible to draw the following conclusions:

- There are few telephone sex services providers offering services in the number range 1901; the rate of utilisation with Part 9A of the Act would appear to be low.
- The reduction in the number of 190* services, coupled with the toning down of the content of the advertising will have contributed to realising the policy intent of Part 9A of the Act.
- However, there has been an increase in the number of international services, and these services continue to be advertised in a direct and provocative manner.