Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	**0248-22**
2. Advertiser :	**Stan**
3. Product :	**Media**
4. Type of Advertisement/Media :	**Billboard**
5. Date of Determination	**9-Nov-2022**
6. DETERMINATION :	**Dismissed**

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement is promoting the series Love Triangle". It depicts three people's lower faces/mouths near each other.

THE COMPLAINT
Comments which the complainant/s made regarding this advertisement included the following:

Advert about a tv show “love triangle” showing 3 people promiscuously about to kiss Its immoral and not suitable for general public esp kids to view this esp in public

THE ADVERTISER’S RESPONSE

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

We have reviewed the relevant sections of the AANA Code of Ethics (Code) and the AANA Code of Ethics Practice Note (Practice Note), as well as the information and guidance provided on adstandards.com.au in relation to responding to complaints.

In our view, the Advertisement complies in all relevant respects with the Code, and is in step with Prevailing Community Standards.

We address each element of section 2 of the Code below.

Ad Standards Community Panel

Discrimination or vilification (s2.1)

The Advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Discrimination or vilification issues were not issues raised in the Complaint.

Sexual appeal (s2.2)

The Advertisement does not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, or in relation to Minors.

Exploitative or degrading use of sexual appeal was not an issue raised in the Complaint.

Violence (s2.3)

The Advertisement does not present or portray violence.

Issues of violence were not raised in the Complaint.

Sex, sexuality and nudity (s2.4)

The issue of sex, sexuality and nudity was specifically raised in the Complaint.

The Advertisement contains the image of three faces close together. The faces are not touching. The image is cropped such that only the noses and lips can be seen. There is no nudity or overt sexual activity.

Having reviewed the Practice Note, we are strongly of the view that this discreet portrayal of sexuality does not offend Prevailing Community Standards.

Obscene language (s2.5)

The Advertisement does not include strong or obscene language or language which is not appropriate in the circumstances.

Obscene language was not an issue raised in the Complaint.

Health and Safety (s2.6)

The Advertisement does not depict any unsafe behaviour.

Health and safety issues were not raised in the Complaint.

3. Stan comments in relation to the Complaint

For the reasons set out above, we strongly believe that the Advertisement complies in all relevant respects with the Code, and that the discreet reference to sexuality does not offend Prevailing Community Standards, even for a wide audience.
Please let us know if you require any further information.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is too sexualised to be displayed in a location where children can view it.

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

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

"Although not exhaustive, the following may be considered to be overtly sexual:
• Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;
• People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;
• Suggestive undressing, such as pulling down a bra strap or underpants; or
• Interaction between two or more people which is highly suggestive of sexualised activity.

Does the advertisement contain sex?
The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel considered that only the heads of the people in the advertisement are visible, and they are not touching. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel noted the advertisement featured three people positioned close together, and that this in combination with the name of the show 'The Love Triangle' may be considered to contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity".

The Panel noted the advertisement only featured people's faces and that this did not contain nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is "understanding and awareness to the needs and emotions of others".

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement appears outdoors and considered that the relevant audience is therefore broad and it would include children.

The Panel noted that the product being advertised is a dating tv show called 'the love triangle' and the depiction of three people was directly relevant to the title of the show.

The Panel noted that the people in the advertisement were not seen to be touching. The Panel considered the name of the show is a description of a relationship dynamic and was not a reference to sex or sexual activity, and in combination with the imagery the overall sexual suggestion of the image was mild.

Overall, the Panel considered that the advertisement was not overtly sexual or inappropriate for use in a setting where a broad audience would view the advertisement.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.