



CASE REPORT

1. Complaint reference number	303/05
2. Advertiser	Gay.com
3. Product	Other
4. Type of advertisement	Outdoor
5. Nature of complaint	Discrimination or vilification Sexual preference – section 2.1
6. Date of determination	Tuesday, 11 October 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a studio photograph of two men. The men are shown from the waist up and are not wearing any shirts. One man stands behind the other. They are shown in an embrace. The words: “*Change your playlist*” appear in white font against a grey background to the right of the image.

THE COMPLAINT

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

“... I disagree with promoting homosexuality and gay sex on a billboard – our children, the older generation and Christian families should not have to be confronted with such images.”

THE ADVERTISER’S RESPONSE

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

“... we have learned that our community... do not consider [the advertisements] overtly sexual. We are simply portraying what so many other advertisers portray in “straight” advertising campaigns: sensuality and fun.”

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 that the image in the advertisement was highly suggestive. However, the Board considered that the image was not overly graphic. The Board took into consideration that there were some members of the public likely to be offended by the content of this advertisement, however, it concluded that the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex, sexuality or nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.