



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0004-21
2. Advertiser :	Crazy Maple Studio
3. Product :	Entertainment
4. Type of Advertisement/Media :	App
5. Date of Determination	20-Jan-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This in-app advertisement for the game Chapters Interactive Stories features a close-up of a cartoon woman's face and two hands raising a ball gag towards her mouth.

A close-up of her thighs is shown, with her thumbs hooked under her black leather suspenders.

A wider view is then shown of the woman in a black dress with a man standing behind her raising the ball gag to her mouth. A speech bubble appears from the man with the words "Do you like this Christmas Eve".

The options "Yes, I like it!" and "Don't do this to me" then appear.

THE COMPLAINT

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

Inappropriate sexual content and implied sexual violence.



THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

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 features inappropriate sexual content and implied sexual violence.

The Panel viewed the advertisement and noted the advertiser did not respond.

Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for the Code includes: "Sexual violence is not acceptable. The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code... advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children".

Does the advertisement contain violence?

The Panel noted that the issue of consent concerning sexual matters is of significant concern to the community.

The Panel considered that the scenario depicted in the advertisement was one which suggested that the two people were involved in a BDSM sexual encounter. The Panel noted that the advertisement offers an option to refuse the BDSM encounter, as well as an option to continue. The Panel considered that the advertisement suggests that the woman depicted has a choice as to how the encounter will move forward. The Panel considered that sexual violence towards women is never appropriate, however depictions of consensual BDSM encounters between adults are not necessarily depictions of sexual violence.

The Panel considered that the advertisement contained a suggestion of, rather than a depiction of, sexual violence.

Is the violence justifiable in the context of the product or service advertised?

The Panel noted that the advertised product/service is a game in which players are presented with options on how to move forward, similar to 'choose your own



adventure' stories. The Panel considered that the scenario shown in the advertisement is consistent with game play.

Section 2.3 conclusion

In the Panel's view the suggestion of violence in the advertisement was justifiable in the context of the product advertised, and did not breach Section 2.3 of the Code.

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

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the woman and man in the advertisement are both clothed and that while the scene may indicate the likelihood of a sexual encounter, the advertisement does not depict sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel considered that an advertisement containing the suggestion of a BDSM type of sexual encounter is one which contains sexuality.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.



The Panel considered that the woman and man in the advertisement are both clothed and that the advertisement did not contain nudity.

Is the issue of sexuality treated with sensitivity to the relevant audience?

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

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 the complainant viewed the advertisement while playing a game on their phone. The Panel noted that the game provider identified by the complainant is known for puzzle-style games such as Solitaire, Dominos and word games. The Panel considered that the audience for such games is likely to be mostly adult. The Panel considered that while the advertisement used animated imagery, it was not particularly attractive to children and was advertised to an audience which would be likely to be predominately adult. The Panel considered that if a child viewed the advertisement, they would be unlikely to understand the sexual nature of the images or the implications of them.

The Panel considered that the sexual imagery in the advertisement was mild, featuring an image of people and a sexual item. The Panel noted that the woman in the advertisement is not shown to wear the ball gag. The Panel considered that the advertisement was sexually suggestive, but that the advertisement did treat the issue of sexuality with sensitivity to the relevant mature audience.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant mature 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.