



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0036/18</b>
2	<b>Advertiser</b>	<b>Materials in The Raw - Guildford</b>
3	<b>Product</b>	<b>Other</b>
4	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
5	<b>Date of Determination</b>	<b>07/02/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

An outdoor Advertisement depicting a cartoon image of a naked woman lying on her stomach.

## THE COMPLAINT

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

*Using woman's body as a selling or talking point that has nothing to do with their business.*

## THE ADVERTISER'S RESPONSE

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

*We submit the following response in accordance with the AANA Code of Ethics-*





## *Section 2 -Consumer Complaints*

### *Section 2.1- Portraying of Material that is discriminatory*

*The business signboard describes the raw materials sold by the business for building and landscaping purposes. The sign creates a link to the name of the business "Materials in the Raw" through the use of a silhouette image that is a recognised art technique of linking a coloured background with a shape of an object or objects without revealing any other visual details.*

### *Section 2.2- Advertising shall not portray sexual appeal*

*The communication does not employ sexual appeal on the advertisement.*

- There are no minors or people who appear to be minors used on the sign*
- The business communication message is not exploitative and degrading to any group of people or an individual.*

### *Section 2.3- Advertising shall not portray violence*

*The communication does not present or portray violence though the advertising sign.*

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

*The complaint specifically raises sex, sexuality and nudity by stating there is a drawing of a woman with no clothes on and that the sign is using a woman's body as a selling or talking point.*

*The advertisement sign communicates a message to the public that details the name of the business, the industry that the business is involved in being landscaping and building supplies and headlines seven key product lines sold. In addition the phone number and the opening days are communicated through the wording on the sign. There is a silhouette at the top of the sign board directly under the business name that is creating a marketing link with the raw materials sold at the premises and the registered name of the business "Materials in the Raw"*

*The silhouette shows a pastel peach and yellow object side on with a dark green leaf shape above on a black background. In an artistic context there is a small scene that has been created that is abstract in nature and has an effect on the advertising sign by focusing your attention. Put quite simply that is the intent of a silhouette image that are a recognised and widely used in the advertising media.*

*The silhouette does not define a woman's body with no clothes on- it is an abstract art form that has been included in a scene that forms part of the advertising sign. We have not implied or communicated sex, sexuality and nudity through the advertising signboard.*

### *Section 2.5- Advertising shall use language which is appropriate to the circumstances*



*The language used on the advertisement is appropriate for the business signboard and there is no words used that could be considered not suitable*

*Section 2.6- Advertising shall not depict material that is contrary to the prevailing standards concerned with Health and Safety*

*There is nothing used in the language or the material on the sign age that is relevant to Health and Safety standards.*

*Section 2.7- Advertising shall be clearly distinguishable to the relevant audience*

*The language used in this advertisement is clear to anyone in the Building and Landscape industry.*

*We have attached as enclosures photographs of the two side d sign that is the subject of the complaint.*

## **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 featured a depiction of a naked woman.

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 outdoor advertisement featured a cartoon image of a naked woman lying on her stomach.

The Board noted that this image was on a sign near a road and would therefore be likely to be seen by children.

The Board considered that the drawing of the woman was cartoonish and not detailed. The Board considered there were no breasts or genitals depicted in the advertisement, and that the overall impact of the nudity was mild.

The Board considered the image was highly stylised and relevant to the name of the business.



The Board considered the nudity in the advertisement was mild and that it was appropriate to be seen by a broad audience which would include children.

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

The Board 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.

