



Case Report

1	Case Number	0052/16
2	Advertiser	Sexyland
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	24/02/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features an image of a man (only bottom half visible wearing shirt, socks and underpants) laying on top of the lower half of a woman's body also clothed in underpants and shoes. On a chair next to them are some wings and a bow and arrow. The text reads, "Love IS. Valentine's Day Sunday Feb 14".

THE COMPLAINT

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

I drive past this billboard with young children and I would like to time when I educate my children around sex. They are far too young to understand this now and I don't think that I should have to explain it to them when they ask me about it. It is on a billboard in full view to them and it is enlarged. Further to my complaint about the latest Sexyland billboard, I drove past it again on my way to work and this time I noticed the bold lettering Love is What message are we portraying to our children? Teenagers? Sex is not love. It is only one way of showing love. This billboard needs to come down. The imagery and lettering and message are not in context. It is offensive and confronting to me as a teacher and parent as I am very aware of the younger audience who see this. My young children should NOT be exposed to this. I have a right as a parent to time when I think it appropriate to broach this subject with my children. This message goes against my values.

THE ADVERTISER'S RESPONSE

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

Our advertisement is not Discriminatory or vilifying

It is not Exploitative or degrading

No violence is shown, suggested or implied

No sex, sexuality or nudity is shown

No improper language

And there is no health and safety issue.

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 the complainant’s concerns that the advertisement depicts a man and woman having sex and is not appropriate for children to view. The Board viewed the advertisement and noted the advertiser’s response. The Board then 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 billboard advertisement features two sets of legs suggestive of a man lying between a woman’s legs. The Board noted that the man and woman are shown from the top of the thighs to their feet. The Board noted that the woman’s white underwear is visible, as are her high heeled shoes, and the man appears to be wearing white underwear and a white shirt as well as black socks and considered that the level of nudity is mild. The Board noted that whilst the image itself is relatively mild and only suggests it is a man and a woman engaged in sex or sexual activity the Board considered that in the context of the advertised product it is a strong sexual suggestion. The Board noted it had previously dismissed the use of a similar image in a television advertisement in case 0296/14 where a man was shown lying on top of a woman, both shown from the waist down. In this previous case however the Board noted that the advertisement for a sexual performance product was aired between 10.30pm and 2am and therefore the relevant audience would be adults and would not include young children. In the current advertisement the Board noted that the image is used on a billboard which would be seen by a broad audience which would include children and considered that a strong suggestion of sexual activity between a man and woman is not appropriate material for the relevant audience. Overall the Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children. The Board determined that the advertisement did breach Section 2.4 of the Code. Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Thanks for your email; the billboard was relevant to Valentine's Day (Feb 14th) and has since been removed.

