



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0068/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Puppetry of the Penis</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/03/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.5 - Language      inappropriate language
- 2.4 - Sex/sexuality/nudity      S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

Billboard advertisement featuring the words, "Live on stage Puppetry of the Penis commences March 22" alongside a picture of open-mouthed people wearing 3D glasses.

### THE COMPLAINT

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

*This billboard offends against this dignity by thrusting the male genital part into the public arena for entertainment and laughs. It makes a mockery of parent's efforts to raise their children to respect their own and other's modesty and dignity. It offends my own dignity and modesty. It gives a blatant bad example of how to appropriately use words.*

*You cannot avoid seeing it from several major arterial roads which we regularly travel and it is in the same street as a Church we attend. Since this billboard is on our route to the City to Church and to numerous other events we cannot avoid it without taking considerable detours or not participating in normal activities. This is seriously impinging on our freedom of movement. It is also clearly visible from places we have been invited to with our children for special events. We are reluctant to expose our children to it for that length of time so it is affecting our freedom to participate in those events.*

*I find the subject matter to be inappropriate for public advertising in addition to the content of the billboard itself.*

## **THE ADVERTISER'S RESPONSE**

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

*Response to Advertising Standards Complaint regarding Pupperty Of The Penis.*

*I thank you for your letter informing us there has been an objection to our signage outside the 12th Night Theatre.*

*I must firstly say that I am very surprised that we have received this complaint for the first time after presenting our show for more than 12 years in Brisbane.*

*Pupperty Of The Penis is a non-sexual comedy show that has toured over 30 countries and been performed in 4 languages. Whereas we have had objections to the show before, we have never in over a decade received a complaint about our posters or any banners. May I first state, that the banner we are using this year is actually a lot less graphic than anything we have used in the last 12 years without complaint.*

*I disagree with the complainant's argument that our advertisement is vulgar and uncivil; yet respect their right to state their case in this forum.*

*The complainant is saying that our use of the word "PENIS" is undignified, however we believe it is simply descriptive, and informs all of the type of performance that will occur inside the theatre. The word "PENIS" in this context is not vulgar but is the correct wording for the male anatomy.*

*I also take exception to the fact that the complainant sees the "I" in "PENIS" as a phallic representation. Having worked on this show for a number of years, and having carried one around for my entire life, I can tell you the "I" in our advertisement, whilst admittedly being a similar shape to a penis, fails to have any of the other characteristics of a penis such as testis and scrotum attached, nor a foreskin or bell top to resemble the head of a penis. The "I" does however exactly resemble an "I", which was our honest intention.*

*I do find it strange that we are being accused of lacking dignity and setting a bad example for using the correct name for the male anatomy. There are hundreds of slang names that we could have used, but we thought the correct use of the word "PENIS" was the most dignified way to brand our show. I will however admit that we are guilty as charged, of "lacking modesty".*

*Our show does make light of the male genitalia, and whereas there is not a lot of "THRUSTING" as the complainant suggests, we do hope our audiences laugh like they have never laughed before. As a father of two small children myself, I fail to see anything offensive about our signage, and if there was more than ONE person objecting to our banner, I would consider altering it, as offending people is not our objective. Liberating and entertaining is our goal.*

## **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 concern that the advertisement is for a product not suitable for viewing by children and that it also contains offensive language.

The Board reviewed 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 the advertisement is for the theatre show, Pupperty of the Penis, and features the word Penis as well as an image of theatre goers wearing 3D glasses.

The Board noted that the advertisement makes no reference to sex or sexual activity and considered that the use of the word Penis in an advertisement does not of itself amount to a breach of Section 2.4 as Penis is a correct anatomical reference.

The Board noted that the people depicted in the advertisement are fully clothed and considered that that the advertisement does treat the subject matter, the Pupperty of the Penis theatre show, with sensitivity to a broad audience which could include children.

On this basis the Board determined that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board considered that the word Penis is not a word which would be considered strong or obscene. The Board considered that the use of the word Penis in the advertisement is relevant to the advertised product and that the word is being used in its correct anatomical context.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.