



Case Report

1	Case Number	0083/13
2	Advertiser	Sexyland
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	27/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of a woman's face against a yellow background. The text reads, "Get more BUZZ shopping!" and to the right of this text is a pink rabbit and more text: "20% off Easter Bunnies".

THE COMPLAINT

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

Ads for Sexyland have been at this location for a long time now, I have always found them offensive due to the presence of an open mouthed (sexually suggestive) woman wearing a pink wig, and have tried to distract my primary school aged children from seeing them when we are waiting at the lights of this large intersection. However, this latest advertisement is extremely offensive due to the 'buzz' wording and the plastic 'rabbit' which looks like a vibrator (and which after my checking the company's website when I got home today I can see IS a vibrator). I cannot imagine that any parents of young children would want them to see this ad, or have to explain what it means. I am surprised that a vibrator or even part of one could be put on a public billboard advertisement.

THE ADVERTISER'S RESPONSE

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

Our response for the site located Nepean Hwy Moorabbin (refer image below), is as follows;

Responses Provided In Point Form

- 1. Displaying artwork of a woman wearing pink wig with her mouth open – Response: This is not an image depicting sex.*
- 2. Displaying artwork of the face of a pink rabbit – Response: This is not an image depicting a Vibrator (Sex Toy).*
- 3. Displaying artwork with the word ' Buzz ' - Response: The word 'Buzz' does not align to sex.*

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 is offensive, sexually suggestive and inappropriate for a broad audience which includes children.

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 the advertisement features a woman wearing a bright pink wig with a large open mouthed smile on her face. There is an image of a pink rabbit and the text reads: “Get more Buzz Shopping! 20% off Easter Bunnies.” The name of the business is located in the bottom right corner of the billboard.

The Board noted that it was legally able to advertise a store of this nature and reasonable for an advertiser to depict the name of the venue in its advertising.

The Board considered that the billboard itself does not contain images that are sexualized and that the open mouth of the woman is a not a depiction of a sexual nature and the use of the rabbit is relevant to the promotion of a sale that is available around the Easter period. The Board noted that it is not immediately obvious that the “bunny rabbit” shaped object is a vibrator or a sex toy.

The Board noted that the use of bright colours and references to Easter and the Bunny are likely to attract the attention of children but considered that the content of the advertisement is appropriate for a broad audience including children.

Considering that the advertisement was not a sexualized image, the Board considered that

most members of the community would not find the imagery offensive and that a certain level of understanding was necessary to be able to make the connection to the nature of the business being promoted.

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