



## Case Report

1	Case Number	0084/16
2	Advertiser	Adam & Eve
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/03/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a black and white image of a man and woman lying on a beach. The man appears to be naked but his pubic region is hidden by the woman's arm which is draped across his body. The woman is wearing a black thong and her breasts are pressed against the man's chest so her nipples are not visible. We then see various images of women in lingerie or embracing men interspersed with product shots for lubricants and massage oils.

### THE COMPLAINT

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

*Referring to "Exploitative and Degrading" and the "Exploitative and Degrading – Key Concepts" on the Advertising Standards Bureau website, this advertisement is overly sexualised, degrading and exploitative, in that it uses the people in the advertisement as "sex objects" and objectifies their bodies "merely to attract attention" and "for the enjoyment of others, and lacking moral, artistic or other values... Lowering in character or quality a person or group of persons." This advertisement is sexually explicit and pornographic in nature and contains "an inappropriate amount of nudity." The topless woman in Frame 1 of the advertisement is an example of this. The advertisement contains sexualised images and footage of men and women in sexualised poses. It depicts men and women in a sexually*

*appealing way that is both exploitative and degrading. In Frame 2 of the advertisement, only the woman's torso/body is shown and the woman is in a sexualised pose. This is an example of sexualised footage, and of "Objectification". According to the "Exploitative and Degrading – Key Concepts" on the Advertising Standards Bureau website, "Objectification of a person is to present them as an object to be looked at and acted upon rather than as a person with thoughts and feelings." The woman in Frame 2 is NOT presented "as a person with thoughts and feelings", as only her torso/body is shown. The woman in Frame 2 is presented "as an object to be looked at and acted upon". According to the "Exploitative and Degrading – Key Concepts" on the Advertising Standards Bureau website, "Sexualised images where only a woman's torso or body is shown are generally found in breach", and I have reason to believe this is the case for the footage in Frame 2 of the advertisement. The position and "gaze" of the man standing behind the woman in Frame 11 is an example of "the gaze of others" being "predatory" – It is NOT a gaze of admiration and appreciation. Referring to "Exploitative and Degrading" on the Advertising Standards Bureau website, this advertisement is NOT "...positive, responsible, suitable for general viewing" and it does NOT contribute to "the elimination of the use of sexual appeal in an exploitative and degrading manner."*

*Advertisements that are pornographic in nature, like this advertisement, should NOT be allowed to be aired on TV, no matter how late at night. According to the "Exploitative and Degrading – Other Considerations" on the Advertising Standards Bureau website, "Timing will generally be irrelevant regarding images in which sexual appeal is used in a manner which is exploitative and degrading, since such images will be exploitative and degrading in any timeslot."*

*It was during the ad break while watching the movie: Stargate that I was confronted with this advertisement. The movie Stargate is a family favourite, and I only hope that no one let their children stay up and watch it and that no one taped it for their children, as the children will be exposed to this advertisement as well.*

## **THE ADVERTISER'S RESPONSE**

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

*Please find below that we have responded to the sections of the code as required below. It is not our intent to offend any viewers and we have used appropriate channels to have the commercial approved. We have had extensive communications with the Director of commercial advise (CAD) to ensure that the commercial reflected today's community standards as we have done with every television commercial that we are responsible for.*

*2.1 - Discrimination or vilification - Not Applicable*

*2.2 - Exploitative and degrading*

*Shows both male and female in a positive light to sell products. Images are designed to suggested the purpose of the product advertised in an appropriate manner.*

*2.3 – Violence - Not Applicable*

*2.4 - Sex, sexuality and nudity*

*There is nothing inappropriate or revealing of either male or female anatomy and the suggestive nature of the images are appropriate for the time slot it is shown in. I would suggest that there is more exposed skin in a lingerie advertisement show in prime time TV time slots.*

*2.5 – Language - Not Applicable*

*2.6 - Health and Safety - Not Applicable*

## **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 images of men and women which are exploitative and degrading as well as overly sexualised and pornographic.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the complainant’s concerns that the advertisement depicts women as sex objects and noted that in order to breach this Section of the Code the images would need to be considered both exploitative and degrading.

The Board noted that this television advertisement for an adult shop features images of men and women embracing as well as product shots of lubricants and massage oils.

The Board noted that the male and female models in the advertisement are used in a number of scenes. The Board noted that in some scenes we cannot see the heads of the models and considered that although it is exploitative to focus on just their bodies in the Board’s view the images are not degrading in the context of the product or service advertised.

The Board noted the complainant’s concern that in one scene the male model’s gaze toward the female model is predatory but considered that in this scene the man is not looking at the woman and in the Board’s view the look on his face is not predatory.

Overall the Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 the complainant's concerns that the images in the advertisement were sexualised and pornographic.

The Board noted in the opening scene a woman wearing only a g-string is lying on top of a man who appears to be naked, although his groin is covered by the woman's body. The Board noted that the woman's naked breast is resting on the man's chest and considered that although the level of nudity is high the woman's nipple is not visible and no other private areas can be seen.

The Board noted that in the next scene we see a woman's torso and considered that her underwear covers her body appropriately. The Board noted that the woman's hand is shown trailing down her stomach towards her groin and considered that whilst this scene is sexualised it is not pornographic.

The Board noted further scenes show images of women in lingerie lying in beds or embracing a topless man and considered that these images are not overly sexualised and the level of nudity is not explicit. The Board noted that no sexual acts are depicted in the advertisement. The Board noted that this advertisement is for an adult store and considered that showing images of the products available to purchase is relevant to that product or service. The Board noted that whilst the product shots of lubricants and massage oils are displayed the Board considered that there is no information provided on how they could or should be used.

The Board noted that the advertisement had been rated 'MA' by CAD and that the complainant had viewed the advertisement just before 11pm. The Board acknowledged that some members of the community would prefer that sexual aids and products not be advertised on television in this manner but considered that consistent with previous determinations (0033/13, 0197/14) in this instance, in the context of an MA rated advertisement which is aired at viewing times aimed at persons aged 15 and over, the sexualised content of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant mature 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.