



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0085/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Sexyland</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/04/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.5 - Language      Use appropriate language
- 2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

This Billboard features a woman with pink hair (or wearing a pink wig) with a look of surprise on her face. Her eyes and her mouth are wide open. Across the centre of the Billboard in bold lettering are the words "You had me at FUN!". In the lower right corner of the Billboard is the logo of "Sexyland", with the words "Adult Department Story" below the logo.

### THE COMPLAINT

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

*The character of the advertisement (pink make-up and hair) would attract the attention of young girls yet the model's facial expression is highly suggestive of sexually inappropriate gestures. Also the text which refers to the model 'being had' is very inappropriate for a general audience. I drive my children past this advertisement twice a day on the way to school and I find this advertisement highly suggestive and offensive and I certainly am offended by the idea of my or anyone else's primary school age children being exposed to it daily. I think it would be better suited at a pinch to very late night television or magazines appropriate to the industry.*

## **THE ADVERTISER'S RESPONSE**

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

*Nil response received to date 6/4/11.*

*Information provided by the Independent Outdoor Media: This message is no longer being displayed on kings way and was removed on approx March 28 2011.*

## **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 highly suggestive and offensive and inappropriate for the general audience.

The Board viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that the image used on the billboard is very brightly coloured and clown like that might appeal to children and that as the advertisement is a billboard the relevant audience is broad and could include children.

The Board considered that the use of the advertiser's business name 'Sexyland' does not of itself mean that the advertisement is sexualised.

The Board considered that the advertisement's depiction of a woman looking excited was not sexualised and that the advertisement did advertise a sex related product in a manner that is sensitive to the relevant audience.

The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 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 and strong or obscene language shall be avoided."

The Board considered that the text "you had me at fun", in the context of this advertisement, is not sexually suggestive and is not suggestive of violence or sexualised violence. The Board considered that this phrase was a reference to catching the model's attention. The Board

determined that the advertisement used appropriate language and does not use language which is strong or obscene.

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.