



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0087/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Manhunt</b>
<b>3</b>	<b>Product</b>	<b>Other</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</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

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

### DESCRIPTION OF THE ADVERTISEMENT

Billboard on Crown St Surry Hills, just off William St. Billboard includes two topless men embracing and about to kiss. They are muscly and visible from the mid chest upwards. The text reads, "Zero metres away Manhunt.mobile m.manhunt.net" .

### THE COMPLAINT

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

*I object to this advert as it is in an area clearly visible to the general public which has two men naked from the chest up about to kiss. I find this advert unnecessarily sexually provocative and is not something I wish to have to explain to my young daughter why two naked men are about to kiss each other.*

### THE ADVERTISER'S RESPONSE

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

*In response to the complaint made on APN Billboard on Crown St Darlinghurst, for the product 'MANHUNT', complaint reference number 0087/12, we at PINK MEDIA GROUP would like to formally respond.*

*Prior to the campaign the artwork was approved by OMA (Outdoor Media Association). The 9m x 3m Billboard, with 'Manhunt' logo and copy with two topless men moments from embrace we deem to be no less sexually provocative as many advertisements by such clothing labels as 'Calvin Klein' or 'Tom Ford'. The models in the advert are in fact wearing clothes, other than their shirts. However to ban an advert based on a man being shirtless would also mean the banning of other popular adverts for Sunscreen, Prada, and the recent campaign for 'Australian Surf Life Saving'.*

*In relation to AANA Code of Ethics 2.4 Sexualisation in Advertising and Marketing Communication, we do not believe that same sex relationships should be an example of breaching sex, sexuality and nudity. There are thousands of billboards every year featuring heterosexual couples embracing, kissing or in close body contact.*

*Please also note that 'Manhunt' has its own conditions of use requiring subscribers to be over 18. We ask that the complaint based on AANA Code of Ethics 2.4 (a) be removed. The image on the advert we believe to be no less provocative to signage and bill posters displayed on Oxford St, only one block from the billboard site.*

*AANA Code of Ethics states that Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to THE RELEVANT AUDIENCE"*

*Therefore we believe members of the public that would have seen the advert would be "the relevant audience" and that the 'sensitivity' would include those that have seen Oxford St adverts.*

*The location selected for this campaign has one of the highest concentrations of gay & lesbian residents in Australia. There are gay & lesbian venues, events and people everywhere in this area. This billboard should not be a surprise to anyone in Crown Street.*

*To decide that this advert is in breach of Code of Ethics would be deeming that Same Sex relationships contravene Prevailing Community Standards.*

*10% of the Australian community is estimated to be same sex attracted. Less than 10% of billboards featuring couples reflect this fact.*

*You may be interested to view a website from America [www.glaad.org](http://www.glaad.org). This site has tens of thousands of ads in America which depict same sex couples. We would actually like to see more campaigns in Australia along these lines.*

*We would like to alert the ASB of comments made on [Mumbrella.com.au](http://Mumbrella.com.au) in response to the article, 'Gay Dating Site Hits Sydney Billboard'. Such comments read as follows;*

*1:04pm 30th Jan 2012*

*I think the purpose of the ad besides its obvious intention to create exposure and attract more users in a competitive mobile space, is to also create a talking point, generate more awareness of what is real and everyday for a specific section of the community. It's talking to many of those who live and breathe this type of lifestyle.*

*Much of advertising in general is deployed around association with difference, impact, shock and buzz, there is no difference here. The target audience may be better equipped to answer its effectiveness....*

*5:10pm 30th Jan 2012*

*Get over it. If it was 2 girls kissing I'm sure there would be no complaints but plenty of whistling! Sex has been used since Jesus was in the temple to sex stuff – Grow up and allow people to be people.*

*These comments and more are written by Industry professionals and consumers.*

*Thank you for taking the time to read our response to the complaint made 22nd of Feb, we ask for the complaint to be dismissed ASAP.*

## **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 an image that is sexually provocative.

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 an image of a two shirtless men in an embrace, seemingly about to kiss.

The Board considered that the test of appropriateness regarding the sexualized nature of an image is applied equally to images of homosexual couples as to images of any couple but recognised that some members of the community would find an image of a gay couple about to kiss offensive. The Board considered the image of two men together is relevant to the product being advertised i.e. a dating website for gay men and is legally allowed to be advertised.

The Board considered that the image appearing on a billboard did mean that it was easily viewed by a broad audience that could include children. The Board noted however that the location of the Billboard in Sydney is an area that has a high concentration of gay and lesbian residents and that most members of the community would not find the imagery offensive.

The Board considered that it is common place and acceptable Australian culture to see men without shirts on and that although the image is mildly sexualized, it is not inappropriate.

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.

