



Case Report

1	Case Number	0090/13
2	Advertiser	I Am Duckeye
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	27/03/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement for a band features an image of a naked man with vine leaves covering his genitals. He has his arms around two of the three clothed children standing with him and the text underneath reads, "creepy Jesus thinks metal kids are flatulent and spotty".

THE COMPLAINT

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

This poster is inappropriate and should not picture children. This organisation should not be allowed to promote this sort of advertising.

THE ADVERTISER'S RESPONSE

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

*Please let the board know it is all a simple misunderstanding.
Here's my basic side of the story:
My friends and family circulate silly photos on facebook, email and txt and this picture*

featured on the 'I am Duckeye' webflyer was one of them.

I think it originally came from awkward family photos dot com.

Anyway, it is just that, "awkward". the dad is dressed in a vine leaf adam and eve style costume and his kids are fully clothed in something else.

The complaint says it is sexualising children. I feel that is a bit far fetched, but people will project their fears onto anything. They'll look at that and find offence but walk by the surf shop with a 14 year old in a bikini and not flinch.

Anyway, it was meant to be harmless and I apologise.

I had only intended it to be a silly webflyer for our comedy rock band playing at the local venue, not an offensive advertisement glorifying pedophilia. Nothing could be further from our minds as we find that to be abhorrent.

Now, the fact that it ended up in print and plastered around the town was not our fault. The young local promoter, who I have informed about this, was only trying to help out the band and the event he was running. I informed him he can cop a \$200 fine per A3 poster by the local council to which he nearly wet his pants. I know I did when years ago another band of mine suffered \$600 for 3 posters near other posters in St Kilda, ouch.

In conclusion, I'll be well aware of future poster content as i'm the graphic designer for our crappy little independent band who makes tens of dollars per show.

Please pass on our sincerest apologies to whoever we upset and feel free to pass on our details should they want to discuss it further.

Let me know if there's anything else i need to provide to clear this up please.

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 a naked man next to children and this is inappropriate.

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 naked man with vine leaves covering his private area and that he has his arms around two of the three children who are next to him.

The Board noted that the children in the photo are clothed and that the Advertiser had responded to say that the image had been taken off a website where members of the public can post awkward photographs for the amusement of the viewers of the website.

The Board noted that there is significant community sensitivity surrounding the sexualisation of children and considered that to depict an image of a naked man with children, albeit clothed, is not appropriate in the context of this advertisement.

The Board noted that the advertisement also features the text, “creepy Jesus thinks metal kids are flatulent and spotty” beneath the image of the man and children and considered that the combination of the words, ‘creepy Jesus’ and a naked man with children amounts to an overall depiction which is not appropriate as it implies that the man in the image is creepy and perhaps his intentions towards the children are similarly ‘creepy’.

The Board noted the Advertiser’s response that the advertisement was not intended to be displayed in public in poster format. The Board considered that as the advertisement was displayed in a public place where a broad audience including children could see it, in the Board’s view the advertisement does not treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement breached Section 2.4 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

The Advertiser confirmed that the advertisement has been removed and will not be used again.