



Case Report

1	Case Number	0103/12
2	Advertiser	National Gallery of Victoria
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of a naked woman reclining on a bed with her hand on her hip. Her breasts and nipples are prominent. The image is part of a 1927 Christian Schad portrait and is displayed next to the entrance to the museum with the other half of the painting featuring a man wearing a see through top on the other side of the entrance.

THE COMPLAINT

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

I feel it is inappropriate to be displaying a picture of a naked woman breasts exposed in a place that is extremely high profile and frequented by children including possibly those on school trips or with family.

THE ADVERTISER'S RESPONSE

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

As a public institution, the National Gallery of Victoria recognises the need to balance artistic freedom of expression with community expectations regarding challenging or difficult works of art.

While the NGV does not seek to offend any segment of the community, this is always balanced by our philosophy that a museum of art should not impose censorship upon the work of artists.

The NGV defends the rights of artists to freedom of expression and the right of the public to view these artworks in our galleries and via our advertising. We understand that some people may not be comfortable to see an artist's rendering of the nude human body, but this should not determine rules for what is put on exhibition.

Indeed, every museum of art in the world displays pictures of the human nude as it has been the basis of artistic training since Greek and Roman antiquity.

The primary audience for The Mad Square exhibition was defined in the NGV's Marketing Strategy document as people aged 18-45 years. During the exhibition we placed signage at our ticketing desk to advise members of the public arriving with children to see the exhibition that it contained works of art which some might consider to be unsuitable for children to view. However, the two images selected for the building banners were considered to be relatively benign compared with other artworks on display in the exhibition.

The two artworks appearing on the building banners are considered to be amongst the most important works from the exhibition, so they were selected as key images to depict the visual culture of Berlin in the period following World War One. The images featured in the following media throughout the duration of the marketing campaign: advertising in The Age newspaper and in Melbourne's CBD, on postcards and posters in cafes and on the front cover of Gallery, our magazine for NGV Members.

For the duration of the exhibition we received a single complaint about the use of the Christian Schad image in Galley magazine, but no complaints from visitors or passers-by about the banner advertising.

Before its Melbourne season at the National Gallery of Victoria, the exhibition was on display in Sydney at the Art Gallery of New South Wales from 6 August until 6 November 2011. It is our understanding that the Christian Schad painting was also widely used to promote the exhibition during its Sydney season.

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 features images that are inappropriate and unsuitable 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 the image of a naked woman reclining on a bed with her hand on her hip. Her breasts and nipples are prominent. The image is part of a 1927 Christian Schad portrait and is displayed next to the entrance to the museum with the other half of the painting featuring a man wearing a see through (or painted on) shirt on the other side of the entrance.

The Board noted the Practice Note specifically related to Section 2.4 of the Code which provides that “Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example”.

The Board noted that the image used is a reproduction of a work of art and that it is presented as an example of the artwork available to view at the exhibition. The Board noted that although the woman’s breasts are visible, her lower private parts are not, and considered that the image was not overtly sexualised.

The Board considered that the content of the advertisement is not inappropriate for the nature of the product being advertised, and considered that whilst the advertisement could be viewed by children the content is very mild.

The Board noted that some members of the community may be uncomfortable with the image and the content of the painting depicted, but considered that consistent with previous dismissed determinations (Ballarat Fine Art Gallery 411/08), the Board considered that the advertisement was not a sexualized image.

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.