



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0114/17</b>
<b>2</b>	<b>Advertiser</b>	<b>The Romp Magazine</b>
<b>3</b>	<b>Product</b>	<b>Media</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/03/2017</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

30 second TV advertisement for The Romp Magazine.

## THE COMPLAINT

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

*Overtly sexual for that time and the television show showing - The Project. She is not naked but she is advertising her body for sale. I see no connection between her and the magazine. The message i get is that this women is available for straight men to do with what they will. She put her ass in the ass [sic] like she is available for sex. She was emulating sex by rocking back and forth.*

## THE ADVERTISER'S RESPONSE

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

*The TV advertisement which is being broadcasted on network 10 has been reviewed by Free TV Commercials Advice Pty Ltd.*

*\*\* May be broadcast between 8.30pm and 5am on any day except before 9.30pm during Sports Programs and Films classified G or PG which commence before 8.30pm and continue*

*after 8.30pm (unless it is a Film which is neither promoted to Children nor likely to attract a substantial child audience).*

*We have done everything requested and obeyed the regulations by Commercials Advice Pty Ltd and do not see how this commercial could offend anyone during the time slots allowed for the TV commercial to be shown.*

*In reply to the complaint of the TV commercial being shown at an inappropriate time during a TV show. The TV show in question was broadcasting as an encore late in the night from around 11:40pm - 12:40am*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA (the “Code”).

The Board noted the complainant’s concerns that the advertisement was overtly sexual and contained exploitative and degrading images of a scantily clad woman in swimmers.

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: (a) where images of minors, or people who appear to be minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people.”

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the advertisement is promoting the availability of the magazine online via the app store. The advertisement features a woman in swimwear on the beach. She is viewed from behind wearing a g-string style of swimwear.

The Board noted that the magazine is a publication directed primarily at men and that the publication is legally allowed to be advertised.

The Board noted that the woman in the advertisement is on her own on the beach and she is on the ground in some shots and also walking. The Board noted the woman is model likely to be from the magazine and considered that it was reasonable for the advertiser to use attractive women from their magazine in an advertisement promoting the publication.

The Board considered that while the product is a men’s magazine, the advertisement itself did

not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. At all times the model looked in control and confident on the beach.

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 that the woman is wearing swimwear and noted that she is completely covered by her swimwear other than her bottom because of the g-string nature of the swimwear style. The Board considered there is no inappropriate nudity or sexual activity.

The Board noted that the advertisement was rated ‘A’ by CAD and that it had been aired at a time appropriate for the rating.

The Board it had previously dismissed similar complaints for ACP Publishing (ref: 318/08 and 518/08) where models from the magazines are used in the television promotion of the publication.

The Board considered that in this matter and in the context of a men’s magazine, the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.