



Case Report

1	Case Number	0115/17
2	Advertiser	Close Encounters
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/03/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

A video promoting a 190 number featuring a woman holding a phone talking to someone.

THE COMPLAINT

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

This is a disgusting ad that openly objectifies women and offers sexual 'service' as if it is a consumer product. This ad has been running continuously for many years during David Letterman - and now Stephen Colbert shows. It is aired multiple times during an hour long program. I find this ad so offensive and sickening that I mute the audio and look away every time it appears. It is upsetting enough that sexual exploitation of women occurs in many ads - why should the sex industry be allowed to air ads in any public space?

THE ADVERTISER'S RESPONSE

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

We do not feel that it has breached any advertising standards. The television advertisement has been on air on and off for approximately 5+ years on different TV stations.

Please see below our response to Section 2 of the Advertiser Code of Ethics:

2.1 Discrimination or vilification

This television advertisement does not discriminate or vilify in any way. There is one line call to action to call the promoted 1902 number.

2.2 Exploitative and degrading

The television advertisement video features a woman in a fun and confident way. We do not believe that this video is degrading or exploitative in any way.

2.3 Violence

There is no violence depicted in the television advertisement.

2.4 Sex, sexuality and nudity

The model wears lingerie in the television advertisement, there is absolutely no nudity and the models performance is non-sexual.

2.5 Language

The television advertisement, promotes a 1902 chat service. The service is fully compliant with the requirements for 1902 telephony services.

2.6 Health and Safety

The television advertisement does not relate to any health and safety issues.

THE DETERMINATION

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

The Board noted the complainant’s concerns that the advertisement objectifies women and is offensive.

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 features a woman in lingerie holding a phone and sitting on a chair. She runs her hand through her hair and down her torso as a sultry voice encourages the viewer to call the number on screen.

The Board noted that many members of the community would prefer if the service itself was not allowed to be advertised however the Board noted that the service is legally allowed to be advertised as long as it complies with the requirements of the Code.

The Board noted that the woman in the advertisement is on her own in a room and she is seen moving around and is fully covered by the lingerie she is wearing. The Board considered that while the service is a sex related product the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 lingerie and noted that she is completely covered by her lingerie choice. The Board considered there is no inappropriate nudity. The Board noted that the advertisement was rated ‘S’ by CAD and that it had been aired at a time appropriate for the rating.

The Board considered that 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.