



Case Report

1	Case Number	0116/15
2	Advertiser	Damien Bredberg Stills + Motion Professional Services
3	Product	Professional Service
4	Type of Advertisement / media	Transport
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertising appears on the back of the advertiser's van. The advertisement consists of a naked man sitting on a scooter along with the name and website details for the advertiser: www.damienbredberg.com.au.

THE COMPLAINT

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

Photos of naked people in public is offensive! Especially when you are following the van down a main road stopping at all the lights. It's in your face and don't need much imagination! I had to tell my young girls to look out their windows.

THE ADVERTISER'S RESPONSE

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

We were very surprised to receive this complaint as this image was originally created in 2003 and since that time has been used in various mediums in both within Australia and around the world.

The image is called "Scooter Man" and was created in 2003 for awards submission to the Australian Institute of Professional Photographers Awards for which it won Damien the title "Australian Editorial Photographer of the Year" and then appeared on the cover of a national magazine. Since this time it's been highly commended and won several awards both in Australia and overseas.

The complaint refers to nudity of the subject. The subject is male and due to the way he is positioned on the bike there is no showing of private parts and no suggestion of any. After all these years and countless feedback this is the first time nudity has been raised.

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 concern that the advertisement features a naked man and is not appropriate for public display.

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 this advertisement features a naked man astride a scooter and that it is featured across the rear panel of a van.

The Board noted the advertiser's response that he is a photographer and this image has won awards and considered that it is reasonable to expect an advertiser to demonstrate their product in their advertising.

The Board noted it had previously dismissed a complaint about nudity in a billboard advertisement for an Art Gallery which featured one of the exhibits (0103/12) where:

"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.”

In the current advertisement the Board noted that whilst the man appears naked his private area is covered by the headlamp of the scooter. The Board acknowledged that some members of the community may feel uncomfortable about the depiction of a naked man on a scooter but considered that consistent with its previous determination the artistic element of the image being used in the context of a promotion of the photographer’s abilities amounts to an overall depiction which is not inappropriate in the circumstances.

The Board noted that the advertisement would be viewed by a broad audience but considered that the pose of the man is not sexualised, there is no sexual suggestion in the advertisement and the level of nudity is not inappropriate for a broad audience which would include children.

The Board 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.