



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

|   |                                      |                   |
|---|--------------------------------------|-------------------|
| 1 | <b>Case Number</b>                   | <b>0125/19</b>    |
| 2 | <b>Advertiser</b>                    | <b>Lumen</b>      |
| 3 | <b>Product</b>                       | <b>Other</b>      |
| 4 | <b>Type of Advertisement / media</b> | <b>Billboard</b>  |
| 5 | <b>Date of Determination</b>         | <b>22/05/2019</b> |
| 6 | <b>DETERMINATION</b>                 | <b>Dismissed</b>  |

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features six adults (three men and three women) holding placards, silhouetted against a white background. Two men and two women are standing, and each carrying a placard, and one man is carrying a women in his arms, who is carrying another placard. The placards have one word on them each, and the models are standing in a row so that the placards read "Do you see us now?". The models are wearing underwear only, which is covered by the placards so that only their skin is visible. The tagline at the bottom of the ad says "Because over 50s should never be made to feel invisible." The Lumen logo (and the wording "The dating app for over 50s") appears in the bottom left hand corner.

## THE COMPLAINT

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

*Naked models used. Private parts covered only by signs they hold. The billboard is right at the end of my street. Constantly having to explain why they are naked, etc to my children under the age of 4 years.*



## THE ADVERTISER'S RESPONSE

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

*The issue raised to date is that the ad may breach Section 2.4 of the AANA Code of Ethics, which states that "Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience". The complainant states that he/she is "Constantly having to explain why [the models] are naked, etc to [their] children under the age of 4 years". The ad does not feature naked models. It features six models aged over 50 who are wearing underwear. The underwear is not visible as the models are holding placards which are positioned to cover this. Moreover, the audience of the ad is people aged 50 and over. The ad is not in any way targeted at children (and therefore the AANA Code for Advertising and Marketing Communications to Children, which is incorporated into Section 2 of the Code, does not apply here). This is made clear by the logo's tagline "The dating app for over 50s" and the main ad tagline "Because over 50s should never be made to feel invisible". The copy and formatting of the ad is simple and clean, and does not encourage child engagement e.g. through the use of bright colours and images or misleading text. If the ad is seen by children, the content is not harmful or indecent. The ad has been displayed on billboards in NSW, Victoria and Queensland.*

*We have been asked to address all parts of Section 2 of the AANA Code of Ethics and it is our position that the ad does not breach any part of it. The ad does not discriminate against or vilify any person (Section 2.1). It does not employ sexual appeal where images of minors are used or in a manner which is exploitative or degrading of any individual or group of people (Section 2.2). The purpose of the ad is to celebrate a section of society (single people over 50s) that is often under-represented; hence the premise that over 50s should not be made to feel invisible. The ad does not portray violence in any way (Section 2.3). As explained above, the ad treats sex, sexuality and nudity with sensitivity to the relevant audience (Section 2.4). The ad uses language which is appropriate in the circumstances (Section 2.5). The wording is appropriate for the relevant audience and medium; it is clear and concise, and is not strong or obscene in any way. No material is depicted in the ad that is contrary to Prevailing Community Standards on health and safety (Section 2.6). Finally, the ad is clearly distinguishable as an ad to the relevant audience (Section 2.7). The Lumen app logo is included in the bottom left corner, with a tagline explaining that it is a dating app. The ad is not misleading in any way.*

*For the above reasons, we consider that the ad does not breach Section 2 of the Code.*

## THE DETERMINATION



The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement features nudity which is inappropriate for an audience which would include children.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted this billboard advertisement for an over 50s dating site features six adults who appear to be nude holding placards which state 'do you see us now'. The words 'because over 50s should never be made to feel invisible' also appear on the billboard.

The Panel noted the complainant's concern that the advertisement features nudity which is inappropriate for their young children to see.

The Panel noted the advertiser's response that the people in the advertisement are wearing tan coloured underwear which cannot be seen because they are covered by the placards and that the target audience for the advertisement is over 50s, not children.

The Panel noted that although the advertisement was not targeted towards children, this advertisement is a billboard and the audience would be broad and would include children.

The Panel considered that the people in the advertisement were appropriately covered by the placards and that there were no breasts or genitals visible.

The Panel considered that the suggested nudity in the advertisement was not sexualised and was being used to draw attention to a segment of the population which is often ignored in advertising. The Panel considered that the overall impression of the advertisement was of a group of people doing something to draw attention to themselves.

The Panel considered that the advertisement was promoting a dating app, and that while this is a romantic service it is not a sexual service and considered that suggested nudity in combination with a promotion for a dating app is not inappropriate for a broad audience which would include children.

The Panel noted that some members of the community may be uncomfortable with



the representation of nudity in the advertisement, however considered that the level of nudity was mild, was not sexually suggestive and was not inappropriate for a broad audience which would include children.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

