



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0161-20
2. Advertiser :	One Night Woman
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Internet - Social - Other
5. Date of Determination	13-May-2020
6. DETERMINATION :	Upheld - Not Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This internet advertisement depicts a woman reclining. Her face is visible, and her legs are sideways at a 90 angle to her torso. From her position, it appears her genitals are visible. Text accompanying the advertisement states 'Easy local girls' and 'Search Now'.

THE COMPLAINT

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

A woman showing her genitalia. Supposed to be a family friendly accessible forum about AFL.

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.



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 depicts female genitalia on a family-friendly website.

The Panel viewed the advertisement and noted the advertiser did not provide a 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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the advertisement does not depict the woman engaging in sexual behaviour, however the Panel considered that the pose of the woman in combination with the words 'easy local girls' is suggestive behaviour.

The Panel considered whether the advertisement featured sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the image of the woman could be seen in two ways – one was a view from below looking at her arms folded across her chest. The other way to see the image was that the woman is depicted in a highly sexualised pose, with her genitals visible, The Panel considered that this depiction in combination with the words 'easy local girls' was a depiction which emphasised sexual matters and was a depiction of sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider



the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.

The Panel considered that some people viewing the advertisement may not immediately recognise that the woman's genitals were visible due to the small size of the advertisement in combination with the strange posing of the woman . The Panel considered however that the depiction was likely to be seen to include a depiction of the woman's genitals and that therefore the advertisements included nudity.

The Panel then considered whether the advertisement treated the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this Google Ad was visible on the bigfooty.com website which is viewed by mostly adult males (<https://www.bigfooty.com/advertising/>). The Panel noted that the advertiser had not responded, however it is likely that the advertisement had been targeted towards adult male users.

The Panel noted the complainant's concern that the website may be seen by children. The Panel considered that the likely audience for this advertisement would be adult males, however acknowledged that it may be seen by some children.

The Panel considered the Practice Note for the Code which provides:

"Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example."

The Panel noted that the advertisement depicted the woman's genitals and that this level of nudity was not appropriate for an audience viewing and advertisement on a sports website. The Panel considered that the depiction of the woman with her genitals visible in the context of an advertisement for sexual encounters was a highly sexualised advertisement which did not treat sex, sexuality or nudity with sensitivity.



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

Finding that the advertisement breached Section 2.4 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the advertiser and other industry bodies regarding this issue of non-compliance.