



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

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| 1 | Case Number | 0173/19 |
| 2 | Advertiser | Sexyland |
| 3 | Product | Sex Industry |
| 4 | Type of Advertisement / media | Billboard |
| 5 | Date of Determination | 12/06/2019 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement depicts a couple embracing, viewed through a keyhole cutout. Text on the billboard states "More Fun....Winter Lock In"

THE COMPLAINT

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

please sir/madam, its content not appropriate for children and under age children. it is a very public space not suitable for those heated sex content.

if people looking for the lingerie they would come to the shop anyway, don't need to expos and brainwashed children with sex on the street..

Nudity content for my children

Sexual nature - nudity - intimacy- my son is already identifying if as offensive as it contains nudity. What about other kids? This is not beneficial for anyone other than those with specific desires.



THE ADVERTISER'S RESPONSE

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

There is no breach of the Code of Ethics:

No Discrimination or vilification

Not Exploitative or Degrading

No Violence No sex, sexuality or nudity

No Language issues

No health or safety issues

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 complainants' concern that the advertisement features nudity and an intimate scene of sex.

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

The Panel noted that the billboard advertisement depicts a couple embracing, viewed through a keyhole cutout. The text on the billboard states "More Fun....Winter Lock In".

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 advertisement contained 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 noted that the advertisement depicts a woman with a man embracing her from behind with his mouth near her ear. The Panel considered that while the scene is indicative of an intimate relationship, the couple did not appear to be engaged in sexual activity of any kind. The Panel considered that the advertisement contains mildly suggestive behaviour.



The Panel then considered whether the advertisement depicted sex 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 noted that the requirement to consider whether a depiction of sex 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 references 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 was a billboard advertisement and as such relevant audience would be broad and would likely include children.

The Panel considered that the advertisement contained an image of a couple embracing viewed through a keyhole cutout and the words "more fun...winter lock in". The Panel considered that the billboard has a mostly dark background and there is nothing brightly coloured or any images which are likely to attract the attention of children. The Panel considered that most children viewing the advertisement would see a couple hugging and would be unlikely to infer that the advertisement was for a store selling sexual products.

The Panel considered that adult members of the community might prefer not to see this type of business advertised, but considered that as the business is legally able to advertise their service, that the advertisement does treat sexuality with sensitivity in that there is no context to the advertisement that directly emphasises sexual matters. The Panel considered that the advertisement was promoting a business which sells sexual products in a subtle manner and that it treated sexuality with sensitivity to the relevant broad audience.

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 a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that the advertisement contained an image of a woman wearing a white bra and a man's head can be seen behind her. The Panel considered that the woman was not naked, that her top half was covered and that the advertisement did



not contain nudity.

The Panel considered that this advertisement did treat the issue of 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 any other section of the Code the Panel dismissed the complaints.

