



Case Report

1	Case Number	0191/14
2	Advertiser	Adult Wonderland
3	Product	Sex Industry
4	Type of Advertisement / media	Poster
5	Date of Determination	11/06/2014
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The complaint refers to a window display covering six windows promoting a product called system Jo. The images are black and white photos of couples and feature white and red text with the words Love Jo Meet Your New Best Friend.

THE COMPLAINT

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

The photographs are obviously advertising the sex industry, particularly sex. They are on a very busy intersection. Families in cars can't avoid the advertising and young children and teenagers are exposed to it.

THE ADVERTISER'S RESPONSE

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

The images that the complaint refers to are window displays. The adult store is required to use opaque coverings on their windows. Traditionally windows have been painted black. Adult Wonderland used the posters as a creative way to adhere to this regulation. The images

are black and white photographs with red text.

- 1. Image one features a male and female in an embrace. They both appear topless.*
- 2. Image two features a couple. The male is in a suit and the female is wearing a bra.*
- 3. Image three features a male with his shirt open. The female is obscured except for her hands.*
- 4. Image four features two women dressed.*
- 5. Image five features two men without shirts smiling*
- 6. Image six features a man in a shirt and a woman in underwear.*

The text on all images says Love JO Meet Your New Best Friend. Jo refers to a brand of water-based lubricant that is sold at Adult Wonderland. It is not advertising the sex industry as the complainant purports.

The images feature in four other locations and there have been no other complaints. In one location they have been in place for six months and in the others, including this one, for three months.

The windows where these posters are located are under an awning and would not be easy to see from the road. The shop is on a very busy industrial road that goes from Brisbane City to Ipswich. There is residential behind it but no one really walks on this street.

We believe that the advertisement does not breach the AANA Code of Ethics.

Section 1

The window display complies with strict Queensland regulations. The display is not misleading and does not misrepresent or damage the goodwill of a competitor.

Section 2.

The display does not discriminate or vilify any section of the community.

The display does not employ sexual appeal in an exploitative or degrading way nor does it depict any form of violence. The images are not sexually explicit.

While the images feature adult couples in embraces from the waist up.

The lighting and positioning of the models in all of the images are discreet. They are sensual but are appropriate to promote an adult store and a lubricant product. The language is appropriate and not strong or obscene.

The images are reminiscent of the ones used to promote the run away bestseller Fifty Shades of Grey. They are also similar to images used regularly by fashion labels such Calvin Klein and underwear companies such as Aussie Bum and Berlei.

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 depicts images of men and women in sexualised poses and this is not appropriate for outdoor display where children can easily view them.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that the advertisement featured six different images along the window panels of the store. The images are varied in the depiction of couples in sensual embraces. Each of the images includes text across the middle that reads “love Jo, meet your new best friend.” At the bottom of the window pane the text reads “entrance in rear.”

The Board agreed that for the purpose of this matter, and considering that some of the images are on display in more than one location, it was appropriate to consider each of the images separately.

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 in a manner which is exploitative and degrading of any individual or group of people.”

On reviewing the images individually, the Board noted that each of the images include couples in different poses and clothed differently. The images include heterosexual and gay and lesbian couples. The Board noted that some of the images are more sexualised than others but overall, the images are directed related to the business being promoted (ie: an adult store) and that the images do employ sexual appeal to draw the attention of the audience, but that the manner in which the models are displayed does not amount to a depiction that is exploitive and degrading of any individual or group of people and does not breach Section 2.2 of the Code.

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 in the first image that there is a man and a woman. The man is not wearing a shirt and the woman is topless but is wearing underpants. The man is holding the woman’s leg up and toward him and their faces are close together. The text reads, “love Jo, meet your new best friend.” At the bottom of the window pane the text reads “entrance in rear.”

The Board noted in this image that the intimate nature of the couple is highly interactive and although the image is still, it is clear that the couple are engaged in a sexual encounter. The Board agreed that the image is relevant to the type of product being sold in store however, the Board considered that the image was overtly sexualised for and not sensitive to the relevant audience and did breach section 2.4 of the Code.

The Board noted the second image features a woman behind a man, his shirt is unbuttoned and his chest exposed. The same text appears on this image as above.

The Board noted that unlike the image in the first panel, the couple are in an intimate embrace however the overall impression is less engaging and amounts to an image that is only mildly sexualised and therefore does not treat the issue of sexuality and nudity with sensitivity to the relevant audience and does not breach section 2.4 of the Code.

The Board noted the third image of a man and a woman facing each other. The man is fully clothed. The woman is not wearing a shirt but has a bra on. The Board considered that this image was in keeping with the second image and was not overtly sexualised in the context of the product being advertised and did not breach section 2.4 of the Code.

The Board noted the fourth image of two women fully clothed and one placed behind the other. The Board considered that this image was in keeping with the second and third images and was not overtly sexualised in the context of the product being advertised and did not breach section 2.4 of the Code.

The Board noted the fifth image of two men side by side. The men are not wearing shirts and one man has his arm around the shoulders of the other man. The Board considered that this image was in keeping with the three images above and was not overtly sexualised and in the context of the product being advertised and did not breach section 2.4 of the Code.

Finally, the Board considered image six. The image featured a woman in lingerie standing in front of a man. The man is wearing clothing and the woman has her head turned toward him and her hand reaching to touch him.

The Board noted that in this image, the level of intimacy was much higher than that of the above images and was more aligned to image one. The Board noted that the couple are clearly engaged in a sexual act and that the image was overtly sexualised and not sensitive to the relevant audience that would include children.

In the current advertisement the Board noted that the images can be viewed by a broad audience which would include children. The Board considered that two of the images (1 and 6) did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I can confirm that the advertisement will be modified and images one and six replaced.

