



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

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0196-21</b>
<b>2. Advertiser :</b>	<b>Oyun.Se</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>14-Jul-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This internet advertisement depicts a woman on a rooftop leaning forward doing the splits. Her clothed buttocks appears prominent and enhanced.

### THE COMPLAINT

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

*The complaint is about offensive advertisings on the Gumtree site. When the gumtree site is activated, google ads. pop up on the sides. My complaint is of google ad."The most addictive game Play Now. This ad. features a blow up balloon bum female image in sleazy position.*

*This ad. has been popping up for months now. I've tried cancelling it via their own ad. and it still reappears. I can't get rid of it.*

*I don't always go through their whole process to explain why I don't want to see it. It should be enough to cancel an ad. and have it cancelled.*

*I though Google was a respectable company. But, it appears to me they're a pack of sleaze bags, porno pushers on general viewing sites that any age can access.*

*This big company sleaze on general viewing sites must stop.*

*There have been other sleazy suggestive ads. in the past few months. None of which I was able to effectively get rid of. Big Tech. Big Sleaze. is not acceptable as community standards.*

*Regards of what the content is, you should be able to cancel unsuitable ads. in one step without going through a process that doesn't work anyway.*



*See attached double photo of sleaze. One with a cancel option and one without. You can't get rid of these things.*

### **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 concerns that the advertisement is sleazy.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*

*"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."*

### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel noted that the woman positioned as though she is doing the splits, however considered that she is fully clothed and there is no one else in the image. The Panel considered that the advertisement did not contain sex.

### **Does the advertisement contain sexuality?**



The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the advertisement features an animated woman from behind with enhanced buttocks. The Panel considered that the purpose of the woman in the advertisement was to be sexually appealing and draw attention to the advertisement. The Panel considered that the portrayal of the woman in this way did constitute a depiction of sexuality.

#### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the woman is fully clothed and that the advertisement does not contain nudity.

#### **Are the issues of sex and sexuality treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires 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 Panel noted that this advertisement was seen on the website Gumtree and this is a website which would have mainly adult users.

The Panel noted that the advertisement was for a game and the image was likely relevant to the game being advertised.

The Panel considered that the use of a fully clothed animated woman with enhanced buttocks doing the splits was an image which was mildly sexualized, but which would not be inappropriate for a mainly adult audience.

#### **Section 2.4 Conclusion**

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

#### **Conclusion**

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.