



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0208/19
2	Advertiser	Roadshow Films
3	Product	Entertainment
4	Type of Advertisement / media	Outdoor
5	Date of Determination	10/07/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement is promoting the film 'After'. The advertisement features a man and woman embracing in front of a window and the words 'After your first, life is never the same'. The woman is wearing a white singlet and jeans and the man is shirtless with dark pants.

THE COMPLAINT

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

Because this is blatantly sexual and these are places where young boys and girls frequent. This encourages promiscuity and hence the spread of diseases and pregnancies amongst the youth. The ads implication is completely related towards sex. To allow this is completely irresponsible. I have submitted this in the previous complaints. sorry i just wanted to clarify that i represent myself as a muslim but i dont formally represent all muslims in Australia..Although i am certain they will all object to this, alongside most Australians. Please do rectify this. Thank you

THE ADVERTISER'S RESPONSE





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

The outdoor creative contains no discriminatory material, strong or obscene language or no material contrary to health and safety standards. The creative does contain an image of a teenage boy and girl in an embrace and about to kiss - the image is mild and not believed to be overly sexual.

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 features a naked couple embracing and this is blatantly sexual advertising in places where young children can see.

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

The Panel noted that this outdoor advertisement is promoting the film 'After'. The advertisement features an image of a shirtless man viewed from behind embracing a woman. The woman has her legs around the man's waist and is wearing a white singlet and jeans.

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 considered that the man and woman in the advertisement were embracing in an intimate way. The Panel considered that their pose in combination with the phrase 'after your first' is suggestive of sexual behaviour. The Panel considered that both the man and woman are clothed and are not engaged in sexual intercourse. The Panel considered the advertisement may be sexually suggestive but that it did not contain sex.

The Panel considered whether the advertisement depicted 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 for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the depiction of two people embracing, with the woman's leg's sitting on the man's waist and the man holding her up, was an intimate pose which could be considered sexually suggestive. The Panel considered the couple looked as though they are about to kiss, and this in combination with the phrase 'after your first' is 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 a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted that both the man and the woman in the advertisement were at least partially clothed and that the man was wearing dark pants and the woman was wearing jeans and a singlet. The Panel considered that the man was depicted as being shirtless and that his back was visible, but considered that most members of the community would not consider a shirtless man wearing pants to be naked. The Panel considered that the advertisement did not contain nudity.

The Panel then considered whether the advertisement depicted the issue of sexuality 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 sexuality 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 relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this was an outdoor advertisement at bus stops and that the



relevant audience would be members of the public who walked or drove past the posters and the relevant audience would therefore be broad and likely to include children.

The Panel considered that the couple in the advertisement are depicted as embracing, and that they look as though they are about to kiss. The Panel considered that most members of the community would not consider a couple about to kiss to be a depiction of sexuality which is inappropriate to be seen by a broad audience.

The Panel noted the advertisement featured the phrase 'After your first, life is never the same' and considered that this could be interpreted to mean after someone loses their virginity life is never the same. The Panel also considered that the phrase could be interpreted to mean after your first love, and that this phrase was directly relevant to the name of the movie.

The Panel considered that children viewing the advertisement would likely understand that it is a promotion for a movie and that two of the characters in the movie are embracing and may be about to kiss.

The Panel considered that there was no overt sexual themes in the advertisement at a level that most members of the community would find confronting or unacceptable. 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 complaint.

