



Case Report

1	Case Number	0216/13
2	Advertiser	Nude Muse magazine
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	10/07/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Images on a vehicle of naked women covering their private areas with parts of their body, their hair or the numberplate. The text reads, "Nude Muse magazine. www.nude-muse.com".

THE COMPLAINT

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

The car which is driving in peak hour traffic can be seen by children. The nude models are inappropriate for children to see and they objectify women. The magazine and website are written on the car and encourage people to visit the website which unfortunately I looked at and it is a pornographic site with full frontal female nudity without any warning pages etc.

THE ADVERTISER'S RESPONSE

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

The car is more about branding than advertisement. As such we chose the images based on the Queensland laws in regards to nudity, as that is where the vehicle is registered. In Queensland under the Summary Offences Act part 2 division 1 section 9 paragraphs 1, 2 and 3 wilful exposure. The people portrayed on the car, were they dressed in the same manner (nipples and pubic area covered) would be permitted to walk around on public streets. Events

like the World naked bike ride, Spencer Tunick's work, The Pride Parade in Sydney and so on show that it is allowed and accepted by the larger community. The work is about art, culture and portraying the human form in a positive non sexual way.

In direct response to section 2.4 of the Advertiser Code of Ethics: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. We believe that we have treated the subjects of sex, sexuality and nudity sensitively to the general public and the branding is not targeted at children. We went to a great deal of effort to ensure that the branding does not objectify women nor sexualise them. Nude Muse is about positive body image. People who have posed for us have been of every race, from every continent of the world (excluding Antarctica), from ages 18- 56 years and sizes 6 - 20. Our views and articles are always written in a positive way and is about educating people that nudity can be nonsexual and have similar philosophy as the TV shows "How to look good naked" and "Trinny and Susannah"

After doing a bit of research we have discovered some magazine covers that have been sold in Australia. Covers which feature comparable levels of nudity to which is on the car. Please refer to this link for examples <http://www.ivillage.com/naked-celebrity-magazine-covers/1-b-443913>

Nude-Muse has been a sponsor or photographic provider of several events over the years. Everything from the international women's day luncheon in Brisbane, the Australian Institute of Office Professionals events and award ceremonies, including the award breakfast, which had the Governor General and Lord Mayor in attendance. The Treasury Casino Cerebral Palsy League charity night. The National Breast Cancer Network annual forum and the list goes on.

The car has been branded this way for the past 12 month without incident and the previous vehicle branded in a similar way for nearly 8 years without a single complaint. While driving on the road we have seen many people react in a positive way. They either honk and say hello, wave at us or give the thumbs up and smile. Most people understand what we are about and that is a good thing. Just yesterday while I was at the ATM and heading back to the car in question an old lady stopped me and commented on the car. She said "Looks like I spent way too much time in the country" and chuckled as she walked away. Other women have said that they wished they had done that when they were younger. It is comments like these which we feel really exemplify the true nature of how Australians view the branding which is on the car.

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 concerns that the advertisement depicts nude women in a manner which is objectifying and not appropriate for outdoor display where children could see it.

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

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.”

The Board noted that there are three images of three different women on the vehicle and that each of the women is naked although the positioning of limbs, hair and number plate means we cannot see any private areas.

The Board noted the complainant’s concerns that the images of the women are objectifying and noted that in order to breach this Section of the Code the images would need to be considered both exploitative and degrading.

The Board noted that the product advertised is a nude magazine and website and that the images of the women are relevant to the product. A minority of the Board considered that the advertisement is both exploitative in the prominent use of images of naked women on an outdoor advertisement and degrading based on the fact that in two of the images the women are wearing shoes which makes the images more about sexualisation rather than just nudity.

The majority of the Board however considered that whilst the images could be considered exploitative given their prominence on the vehicle the images are not degrading as the women are presented in a manner which suggests they are comfortable with their nudity and the product is based on women choosing to have nude photographs taken with their consent.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 that the advertisement consists of three images: one on each side of the car and one across the rear hatch. The Board noted that the images of the women on the car are very prominent and considered that the mobile nature of the advertisement made it very likely that it would be seen by children and that in one image the woman has her hand resting between her thighs and that in two of the images the women are wearing shoes but are otherwise naked.

The Board noted the relevance of nudity to the product advertised however the Board considered that the combination of the multiple images, the poses of the women and the way in which they are presented amounts to an overall depiction of nudity which does not treat sex, sexuality and nudity with sensitivity to the relevant audience which would include children.

The Board noted the advertiser's reference to similar content on magazine covers. The Board considered that the images on the car are available to a broader audience than a magazine cover by virtue of being driven around.

Based on the above the Board considered that the advertisement depicted images which did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

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

ADVERTISER RESPONSE TO DETERMINATION

After reading through the ad board's response and decision to uphold the complaint, we will comply with the wishes of the board and replace the signage. However there are a few points I would like to make.

It was stated that one of the issues of the advert was the mobile nature of the car and that it would be seen by a broader range of people, including children. I would like to point out that there are many (non-adult) magazines that feature comparable amount of nudity on their front covers. Our car is usually limited to the south east Queensland area (with only 1 excursion to northern New South Wales), in the past 12 months, that it has been operating. Approximately 100,000 people would have seen the car in that time. On the other hand, several national (and international) magazine are sold and displayed in every newsagents, petrol station, train station and library around the entire country, not just south east Queensland. It is visible to the same broad range of people, but instead of just 100,000 people seeing their nude magazine covers. Magazines which can then be left on every train, bus, park bench, doctors waiting rooms, restaurants or work place. Millions of people see them, including children. Neither those magazines, nor the car, are targeted at children. The car and those magazines have a certain target audience and only those with that interest would respond to the signage.