



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0279/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Neon Records</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/08/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

Poster featuring David Guetta standing behind his wife Cathy with his hands cupping her breasts. David is topless and Cathy is wearing a see through bra.

The text reads, "F\*\*\* Me I'm Famous! by Cathy & David Guetta. New album mixed by the world's #1 DJ out now".

### THE COMPLAINT

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

*I think that the advertisement breaches the ASB's guidelines because the word 'fuck' is referred to (as 'f\*\*\*') in a sexual manner. this is highlighted by the accompanying photograph of a man holding a woman's breasts. the poster is large, over one meter at its longest length and placed outdoors next to a busy road.*

*I have no problem with different types of language in advertising being available to different groups of people that advertisers want to target. my concern is that public space should be available to all and reflect broader community values than those of niche groups. I believe that the advertisement is demeaning to women and overly sexualised for a public place. His*

*action, in putting his hands on her breasts from behind her back, is OK in the bedroom, but too often women are subjected to precisely this sort of gesture from sexual harassers at work or in the street.*

*Its adult content in a place where children frequently walk past. Not appropriate content for a main road.*

## **THE ADVERTISER'S RESPONSE**

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

*Action has been taken to have these posters removed since we received the first complaint on August 2nd.*

## **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 complainants’ concerns that the advertisement is sexualised, features offensive language and is inappropriate for outdoor display where children can view it.

The Board viewed the advertisement and noted the advertiser’s response which indicated that the advertisement had been removed following the complaints they received.

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 the advertisement features a man cupping a woman’s breasts from behind and the text reads, “F\*\*\* me I’m famous!”

The Board noted the complainants’ concerns that the advertisement is demeaning to women. The Board noted that the man and woman are represented as man and wife and considered that the overall depiction is suggestive of the couple equally participating in the scene and of being equally attractive in the product.

The Board considered that the advertisement does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board determined that the advertisement did 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 that the man in the advertisement is not wearing a top and that the woman is wearing a sheer bra and that her nipples are obscured by the man’s hands. The Board noted that the image of the man and woman is presented against a bright red background which makes it stand out and considered that an image of a near naked couple with the man holding the woman’s breasts is highly sexually suggestive. The Board noted that the advertisement is poster size however the Board considered that its placement outdoors makes it likely to be viewed by a broad audience which would include children. The Board considered that the content of the advertisement is not appropriate for viewing by children.

The Board considered that the advertisement does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

On this basis the Board determined that the advertisement did breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

The Board noted the advertisement features the phrase, “F\*\*\* me I’m famous!” A minority of the Board considered that the use of “fuck me” is a reference to surprise (wow, I’m famous!) and is not being used in a sexualised manner. The majority of the Board noted the possible alternative meaning and considered that whilst the F word is not represented in full the suggestion of the word ‘fuck’ is strong. The Board noted that it has previously dismissed the use of the F word where letters have been replaced by symbols (0095/13) however the Board considered that in this instance the F word is being alluded to in conjunction with an image of a near naked couple and is used in a sexual context (fuck me). The Board considered that a reference to “fuck me” is strong and would be considered obscene by many people and its use in outdoor media is not appropriate.

The Board determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement breached Sections 2.4 and 2.5 of the Code the Board upheld the complaints.

### **ADVERTISER RESPONSE TO DETERMINATION**

We write to confirm that the outdoor advertisements the subject of the complaint were taken down upon receiving the first complaint on or about the 30 July 2013 and that they were consequently all removed by the 3rd August 2013.