



Case Report

1	Case Number	0289/15
2	Advertiser	Starshots
3	Product	Professional Service
4	Type of Advertisement / media	Poster
5	Date of Determination	22/07/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Large photos of personal portrait photos. A man and a woman are in fancy costume posing for the photos.

THE COMPLAINT

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

The photos are done professionally yet are literally soft pornography in open display. Some photos portray sex scenes and bondage. Even more disturbing is the location is adjacent to a toddler playground.

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 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 features sexualised images of a couple which is inappropriate for viewing by children.

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

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 this advertisement appears on A-frame advertising stands within a shopping mall. The images are of a couple and the woman is dressed in a red and black fancy dress costume and is holding a parasol and the man is not wearing a shirt but has on pants and a tie. In one image he is holding a riding crop or similar. The website for the advertiser is written across the bottom of the images www.starshots.com.au

The Board noted the complainant’s concern that the images are soft pornography.

The Board noted the business is a glamour photography business offering make-up and hair as part of the photo session. The Board noted that the couple in the advertisement are clearly romantically involved and their chosen poses appear consensual.

The Board noted that the style of dress and photo poses may not appeal to all members of the community but the images are an example of the style of photography that could be chosen.

The Board noted that although the man is not wearing a shirt, both the models are covered by their clothing and there is no inappropriate nudity.

The Board considered that the images are sexually suggestive but that the suggestion is not explicit. The Board noted that in one image the man does appear to be holding a riding crop or whip but that in that image he is on his own and the image is not suggestive of bondage.

The Board considered that the level of sexual suggestion was very mild and in the context of an advertisement for glamour photography was not inappropriate. The Board noted that the A-frame would be low to the ground and therefore within clear view for children. The Board considered however that overall the advertisement did not portray overtly sexualised images and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.