



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0292/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Ashley Madison - Avid Life</b>
<b>3</b>	<b>Product</b>	<b>Professional services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.3 - Sex/sexuality/nudity    Treat with sensitivity to relevant audience
- 2.3 - Sex/sexuality/nudity    Treat with sensitivity - Sexualization of Children
  - Other    Causes alarm and distress to children
  - Other    Social values

### DESCRIPTION OF THE ADVERTISEMENT

This Billboard features the image of a young woman, appearing to be lying on her stomach looking to the right. The woman appears to be naked with her face and right shoulder most prominent. The words "LIFE IS SHORT. HAVE AN AFFAIR." are superimposed in the centre of the Billboard. Below those words is "while in Sydney". The Advertiser's website "ashleymadison.com.au" is identified at the top of the Billboard.

### THE COMPLAINT

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

*In relation to Section 2 of the AANA Code of Ethics:*

*- portrayal of sex/sexuality/nudity (sex is advertised through the portrayal of the words on the billboard 'Have an Affair').*

*In relation to the Advertising Code for Advertising and Marketing Communications to Children:*

*- promotion of unsafe or dangerous behaviour/activity ('dangerous behaviour' being a promotion of an activity that causes mental and emotional harm to children who have experienced family breakdown due to the infidelity of parent(s).)*

- social values (as an adultery service which advertises affairs that are often done in secret and through deception it sends a message to children who see the advertisement that 'lying' and 'deception' are accepted ethical standards in our society - in conflict with laws that prosecute for misleading information in our court and legal systems.)

- alarm & distress to children (who see this advertisement and have experienced the trauma of family breakdown divorce or separation of parents due to the infidelity committed by the parent(s). The advertisement will remind and make them re-live the experience of mental pain and trauma that they have suffered and furthermore cause further injury to them when they see and perceive society's approval of an act that caused them direct mental harm and trauma.

*Advertisement Discription:*

*In relation to Section 2 of the AANA Code of Ethics:*

- encouraging people 'Have a sexual Affair'.

*In relation to the Advertising Code for Advertising and Marketing Communications to Children:*

- promotion of unsafe or dangerous behaviour/activity ('dangerous behaviour' being a promotion of an activity that causes mental and emotional harm to children who have experienced family breakdown due to the infidelity of parent(s).)

- social values (as an adultery service which advertises affairs that are often done in secret and through deception it sends a message to children who see the advertisement that 'lying' and 'deception' are accepted ethical standards in our society – in conflict with laws that prosecute for 'misleading information' in our court and legal systems.)

- alarm & distress to children (who see this advertisement and have experienced the trauma of family breakdown divorce or separation of parents due to the infidelity committed by the parent(s). The advertisement will remind and make them re-live the experience of mental pain and trauma that they have suffered and furthermore cause even more injury to them when they see and perceive society's approval of an act that caused them direct mental harm and trauma.)

*I was offended by this advertisement as it is an open invitation to travellers to commit adultery while here on holidays or business etc. This is so wrong to encourage men or women to betray there own wife or husband in this way. We need to protect our marriages and family life in Australia. How sad it is that these form of adds are starring people in the face as they come into our lovely city. It is a temptation made so easier because of the website. I have good friend whose husbands have committed adultery. It not only degrades the woman offering the sex and devastates the whole family who are sinned against.*

*Besides being wrong adultery has tragic consequences to children marriages self esteem etc*

*For a woman whose husband has committed adultery to have to see that sign only adds to her hurt*

*I find this advertisement and its prominent position highly offensive. Not only is it encouraging men to be unfaithful it is in such a position that people of all ages travelling to and from the air port cannot miss it. This is the first time I have seen such an advertisement and if it is not banned no doubt advertisements like this will become normal within no time at all.*

*This billboard is encouraging marital unfaithfulness which causes family breakdown financial breakdown psychological damage etc.*

*billboard advertises a marital cheating website-50% of marriages already end in divorce the cost to the government children and families is enormous including suicide depression illness in children sleep problems learning difficulties etc. The moral and ethical standards of the world are spiralling out of control and Australia is no different. Humans are sinful creatures by nature and do not need any more help to sin.*

*Visitors to Sydney - whether professionals business people tourists or families arriving in Sydney on holidays - will encounter this prominent*

*message immediately upon leaving the airport. I do not believe this is an appropriate welcome to visitors particularly families and children.*

*I note that Ashley Madison's marketing has drawn criticism in other jurisdictions. I'm advised in Toronto Canada the Toronto Transit Commission*

*refused to sell Ashley Madison advertising space on their streetcars. I am further advised that NBC also banned an Ashley Madison advertisement from appearing at the Super Bowl last year. Being in a public place and thus accessible to children it is my belief this*

*advertisement is contrary to section 2.3 of the AANA Code of Ethics which reads:*

*"Advertising or Marketing Communications shall treat sex sexuality and nudity with sensitivity to the relevant audience and where appropriate the relevant programme time zone."*

*I do not believe the message that Sydney is the place to come to for an affair is one that we should be promoting. As NSW Minister for Community Services I know the hurt and irreparable damage family breakdown has on children and I would discourage advertising and marketing that endorses behaviours that may result in negative consequences for families particularly for children.*

*It goes against morals and ethics of Marriages and the importance of society.*

*This company is making it easier for people to unfaithful in their marriage. It is not a perfect world but this advertising provides an easy option to people who would not have the courage otherwise. It's existence to some people makes it acceptable. It's unhealthy and unsupportive to families*

*This add is offensive. It goes against all moral rights and human integrity. It is shocking that such an appalling thought could be given to this advertisement which seeks to damage the very foundations of humanity.*

*Tell me this if we could be all adulterers then where would family belong? will anyone love their children? what will happen to the children born under such evil relationships?*

*Please think about the children who have to grow up under broken families the effects on such children is gaugantic and you only need to look at black gethos and different populations around the world to see such a disaster.*

*I would like to register my distress at the billboard which is currently advocating unfaithfulness within marriages. "Life is short Have an Affair" by Madison is socially*

*irresponsible and damages the trust which is necessary for marriages to be successful. It may be legal but as a community and a society we have a responsibility to provide a stable and loving environment in which to raise our children. This does nothing but undermine the very basis of marriage and family relationships. It will be a costly exercise both in terms of state and federal funding to support the social fall out of broken families and in the lives of the children and other members of the families involved. You need to stand up for the future of our children and our society and ban this blatant attack on our families.*

*Presently the Government is running advertisements asking us to see if our children have ""crossed the line"" and offering on line advise. This Advertisement crosses all the lines of acceptable and responsible behaviour and advertising*

*I think that it is a disgrace not only for a company of this nature to exist but also for people driving into and out of the airport to have to see such an ad without any choice in the matter. It is sexually suggestive young people could see it and it promotes breaking the marriage vows as an easy alternative.*

*since when is australia promoting having affairs and spoiling families and the lives of people? this is wrong and immoral. family life should be strengtend and promoted not spoilt by some money lusted pervert. please take this down. how was this allowed in the first place? doesnt the council members reviewing the ads have any compassion for women (or men) who are being unfaithful to their live partners onm response to your promoting of such behaviour. i cant believe you can justify this. can you? the fact that the image is of a naked woman is not even that much of an issue as the fact that you are promoting the breaking up of families.*

*Children and teenagers travelling - see this and can be hurt by their parents Marriage breakup. The immense hurt and abuse caused at homes by parents having a fling. The accusations and mistrust causing breakdown in communications between parents affect children. Suspicion of partners having affairs is boosted by these ads and cause unnecessary arguments at home disrupting children's lives. The future of Australian family and homes and stability is being threatened by marriage breakdowns causing untold misery in childrens lives.*

*The girl in the image looks as though she could be under 18 years of age. She is naked. The ad encourages family breakdown which in my opinion is against the wider community values. It objectifies young women. Children should not have to see this whilst driving past in the car or stopped at traffic lights.*

*It is visible to anyone using that intersection and could offend parents with young children people from other faiths and people who value fidelity in marriage.*

*It gives a skewed perception of our values as a whole in this country and this city.*

*It sends the wrong message to young people and children.*

*On Saturday morning 26th June 2010 I was picking up my grandma who is in her early 70's from Sydney Domestic Airport after her holiday away to Broome. As we were driving away from the airport we were chatting about her holiday what extraordinary scenery she has just experienced and the overall magic of that part of the country then as we were driving away from the Qantas T3 terminal and approaching Airport Drive we reached the traffic lights and we both noticed the Ashley Madison billboard. We were awestruck shocked and offended at the DIRECT and INTRUSIVE NATURE of the message on the billboard. Here's a message for you all at Ashley Madison - I DO NOT WANT TO KNOW !!*

*Whilst you might say it's your right to advertise and your clients right to know about your service where is my right to NOT KNOW about this or accept that this is now common knowledge ? How do you explain this to children or to teenagers who see the ad ? How do I*

*explain it to my grandma that it's now okay these days to hang out your dirty laundry in public (which is the mentality of so many older people) ?*

*It might be a common fact that consenting adults in today's easy going modern Australian culture are having affairs but do we all need to know about it ? I would like to think that my partner is of a faithful nature and is not having an affair when he travels to Melbourne and I'm sure wives/partners who live in Melbourne would like to believe that their husbands/partners are also faithful when they visit Sydney. It's now nice to know that you are planting that seed good on you ! Ashley Madison will you be happy when your partner is unfaithful to you ? Actually don't answer that I'm guessing you don't have a loyal bone in your body and you probably started the company to make money out of finding yourself a lover every weekend as you roam the country leaving behind your sense of morality at each departure lounge.*

*The fact that this advertisement was so publicly displayed with such a strong message really affected not only my personal wellbeing but my grandma's too. Seeing as mental illness is on the increase in this country I would like to thank you for contributing to it. Now so many more women and men in Sydney and the rest of country can allow a once dormant sense of uncertainty and fear around their partners fidelity now rise to the surface and flourish.*

*Neither my grandma nor I felt very good as we continued to drive home. We felt uneasy and uncomfortable and a sense of worry entered my mind. The topic of our discussion had turned from a delightful 'once in a lifetime' holiday experience to how messed up our society is today to allow that type of advertisement open for all people in our society to see it - such as tourists children people of strong religious belief the average woman and man of loyal and moral belief. How many people will you affect with your strong message just to reach the small amount that do feel it's okay to live a life on a string of affairs ?? Are you prepared for the repercussions of the breakdown of marriages and the overall impact this message might bring to our younger and more impressionable members of the community ?*

*Another thought for your marketing/business development team to ponder (has your coffee gone cold yet ??) what kind of society are we when we won't permit same sex marriages but we'll happily flaunt the fact that 'married' couples can will and it's apparently acceptable to be unfaithful ? We (the general Australian public) all need to seriously readjust our sense of morals otherwise what's the point of any of our morals values laws ?*

*Please take down this billboard immediately before this costs this country it's already limited grasp on a respectable and decent society. And we wonder why we are called infidels by other nationalities.....*

*sleazy not a good welcome to Sydney for interstate or overseas visitors. Don't like my children asking me what the ad is about. They hear friends at school talking about their parents having an affair and wonder whether we (husband and myself are going to do this). Why do we have to have ads like this in our face every day? promote affairs which breaks up families.*

*Would not want to associate Sydney as a city for prostitutes and affairs I am offended by this advertisement because it is morally off compass. It is not what we want to project as an Australian society that cheating on your mate is okay. Especially not in an advertisement which no one has the choice but to be exposed to driving by. It is not a child's choice either to be exposed to- yet they are impressionable. It can mislead a child and is inappropriate to display in public to any person- just as porn is.*

*This is a shocking advertisement that goes against the social institution of marriage. It goes against social values regarding the solemnity and commitment of marriage. It portrays an indecent sexual image. It encourages people to tear apart their own families - which in turn would have negative effects on spouses children and extended families & communities. The woman was naked. Also promoting what I believe to be poor moralistic values. For example if a child was to ask what the billboard meant a parent would have to describe something which I believe most people in our society would object to.*

*It is absolutely disgusting that such an organisation exists and is even more disgusting that the suggestion that married people have an affair is advertised on a public billboard when children could see this add. Such an appalling service should NOT be blatantly displayed anywhere in public. EVER.*

*There is enough pressure on marriages today without advertising ways to undermine a marriage.*

*The advertisement uses inappropriate language and visuals for a billboard of this size and location. It does not reflect community values and morals and it is not appropriate for it to be situated where it can be viewed by children or impressionable younger adults. It is socially irresponsible to portray 'having an affair' as an acceptable activity when it is well documented and known the serious and long term effects of marriage breakdowns as a result of infidelity especially the impact upon children. The advertiser could consider advertising more discretely for example late night tv advertisements. It is not subjective or morally relative to say that encouraging affairs is wrong as this fact is clearly demonstrated by the unanimous evidence of the negative effects of affairs on marriages and families. It is offensive and disheartening that the advertiser felt it necessary to choose such a public place and on such a large scale to advertise their service.*

*I think this kind of ad sends a very negative image and message about Sydney and could discourage married men from having business in Sydney if their wives got hold of this message being actively flaunted the moment their husbands arrive at Sydney airport. I find the whole advertisement in bad taste the nakedness leaves nothing to the imagination and is in full view of children. There can be no two ways about it - how this ad got to reach billboard stage is totally beyond me and I am ashamed of living in Sydney while it is there. I was shocked at the open and public enticement for people in relationships to have an affair. For relationships (meaning: dating defacto marriage) to be successful they require honesty commitment trust fun perseverance. There can also be challenging periods too. The last thing a relationship needs at any time but especially during a challenging time is for infidelity to occur.*

*I object to an add that sows the idea of infidelity so publicly. While I hope that the majority of the people passing by this add would have morals that would prevent them from acting on the idea that is suggested I am aware that when people are under stress from work finance or relationships errors in judgement can occur.*

*When infidelity in a relationship is exposed it does not just hurt the offender and the spouse for example. It will have ripple effects to children (if there are any) and the wider family and social network. We do not need any more of this in society.*

*Furthermore Sydney is promoted as a great tourist destination. Such an add cheapens our image as both domestic and international air travellers pass this billboard daily.*

*I request that this billboard be removed immediately and not permitted in any location in Sydney (or throughout Australia using a modified second line).*

*The sex / escort industry is already far too easily accessible via the internet and does enough damage to relationships through that medium. Public ads like this are a disgrace.*

*On leaving Sydney airport I was confronted by this huge billboard promoting cheating on your partner/spouse.*

*I had a child in the car and when he saw this billboard of a naked female with the motto ""Life is short. Have an affair"" he was upset thinking that it is normal practice for mums and dads to meet other people when they go on holiday.*

*I didn't feel good when I saw this ad and am disgusted that this is what greets new visitors on their arrival in Sydney.*

*The billboard is a disgusting example the leniency of advertising standards. Besides the image itself which is inappropriate for anyone (especially those under the age of 18) the content and suggestion of encouraging sexual immorality is horrifying. I am personally offended that anyone is allowed to promote such lewd and damaging services. The prominence of the sign is shocking and I believe it is set up as a specific target to influence those in marriages and relationship to deceive their partners. I am appalled that the sign was even allowed to go up.*

*My 13 year old daughter was shocked at the advertisement! How do I give a balanced explanation to her? As parents we need support from Society to teach our young teenagers values and morals. It makes parenting really hard when we allow outdoor advertising of behavior that goes against the values we are trying to instill in young people!*

*It's utterly inappropriate for visitors to Sydney to meet by that. We should be seen as a family friendly city.*

*It's rubbish like that that helps to unravel society by chipping away at people's values. Families have it tough enough without someone making money out of their undoing. I was shocked and saddened to see that suggestion so brazenly advertised. It's offensive and utterly in bad taste and frankly just wrong.*

*I do not think advertising sexual services on a billboard is an appropriate vehicle.*

*This does not meet community standards as it encourages family and relationship breakdown which has a negative impact on society and particularly on children. By targeting married people to have an affair the ad does not represent community values which by definition expect monogamy and commitment from marriage. (That's what marriage is.)*

*By featuring a seductive woman it's also sexist as it encourages men to see women as sexual objects without seeking a real relationship with them or without concern for the consequences of their actions on women or broader society.*

*Firstly the fact that the advert is PUBLICLY ENCOURAGING extramarital affairs is extremely disturbing. It undermines the promises and goodness of marriage attempts to subvert the thinking of children and adults alike on the topic of marriage and relationships and the consequences of affairs. In a nation that discards relationships so easily treats sex and sexual partners as commodities to be used and then thrown away this only fuels the instability selfishness that is almost ubiquitous. It's also unhelpful for anyone who may actually be addicted to sex. I personally wouldn't want my children to view this kind of material.*

*Secondly there is too much nudity it is too suggestive.*

*It is morally repugnant.*

*By this I suggest that the greater majority of citizens of Australia wishes their partner to not have affairs in their relationships.*

*I suggest that the majority of advertising standards bureau persons would also not welcome their partner being encouraged to ' have an affair ' outside their relationship.*

*Therefore the advertisement is beyond the accepted boundaries of social acceptace. Thought it may be argued it isn't strickly illegal in Australian law to have an affair in our criminal system it still is morally repugnant to the majority of Australians.*

*1. Having an affair is strongly linked to family breakdown which is unhealthy for our community. It leads to a lot of unhappiness lack of trust anxiety in children anger deceit sexually transmitted diseases and even suicide. Not to mention the financial cost to households as more couples separate.*

*2. The position of this ad at the airport portrays a morally degrading image of Sydney to visitors.*

*What kind of first impression do we want visitors to have?*

*This is not the image that most Sydneysiders would want to portray.*

*Woman is naked and they are promoting infidelity in marriage and other committed relationships which degrades the moral standards of our society.*

*Though I don't agree with the purpose of Ashley Madison (proactively and boldly encouraging people to have an affair) my complaint is not about the organization.*

*My complaint and offense is caused by a billboard actively and outwardly promoting a message that is against the ethics and morals of the community. I absolutely object to this given the mass audience location- it is unnecessary and offensive.*

*This billboard is one of the first messages a traveller receives after arriving in Sydney and is certainly not representative of the Australian values and it belies the fabric of our society. As a 'Sydneyite' I am severely embarrassed and outraged by the message.*

*As taxpayers we pay millions to the government to promote positive reasons to visit Sydney and Australia. It makes no sense to have this undermined by a profit seeking company. (AND Our taxpayers dollars also support organizations and charities that provide support to those with broken homes families etc.)*

*These type of ads do not need to EVER be advertised on outdoor billboards. If they must exist surely they can be found in discreetly online etc- not forced down the throat of the wider community whilst we welcome friends and family to Sydney.*

*This is a common sense complaint- as well as an ethical/moral complaint!*

*The sexualisation of women my boys and girls (10 8 6 4 and 14months) can see this...or cannot NOT see this!*

*I should be able to raise them without exposure to such things at such young ages.*

*It is hardly a fitting welcome to visitors to Australia (or from interstate).*

*Something that devastates families; children wives and husbands should not be advertised as a good thing.*

*Very disturbing to see the lack of respect and value for Australian society.*

*I am appalled!*

*I am mortified*

*This was the first billboard I noticed in the car driving to Sydney.*

*This is not appropriate.*

*What sort of country advertises having "affairs" even if it is through an escort agency.*

*As an Australian citizen I felt embarrassed appalled and ashamed.*

*This needs to be removed for Australia's reputation. I know you will agree.*

*I am offended that the sanctity of relationships can be so blatantly attacked & that in a society fraught with the problems resulting from fractured toxic relationships Sydney city can be seen to be encouraging cheating on your partner. I am also offended that we have no choice whether we want to view this.....come on guys surely it's not a stretch to see that any material encouraging illicit sexual behaviour does absolutely nothing to promote a healthy community.*

*The billboard is in a public location and offering ""an affair"" for those who are in Sydney for a while. I feel this is inappropriate for it's location. The company is an adults only dating site for what appears to be causal liaisons. ""the worlds largest discreet dating agency"".*

*Children and young teenagers are being advertised to with it's thoroughfare location.*

*I think the blatant promotion of an affair service is morally wrong. Affairs have very deep repercussions for all involved and those around them and to outwardly promote them is not appropriate. I am also concerned that it is a front for promoting a brothel or the sex industry.*

*Coming right out of the airport you see this ad. Children adults people of all ages. It is inappropriate and goes against what I believe is the values of this country - the value of families. It aims at inciting affairs that would result in breaking families apart. Children are also seeing this ad and thus teaching them from a young age that it is ok exciting etc. to have an affair instead of valuing family and marriage.*

*My children were perplexed as to why this woman was lying on the billboard naked and asked what is an affair. I don't want to have my children or myself or any others subjected to this immoral normalisation of cheating ones partner for a fleeting moment of an affair while visiting Sydney. Is that what we want Sydney to be portrayed as? Do we want to live in a city that does not uphold families and values. Women do not need to be portrayed as opportunites for pleasure and nor does an affair need to be portrayed to be a good thing to acheive in life.*

*It is a disgrace!*

*This billboard should be removed and any other advertising they have around Australia.*

*I strongly object to this Billboard being in full view of children. It is a violation of thier innocence to expose them to the sexual nature of the picture and the suggestion that affairs are a good thing.*

*Billboards are in the public arena and as such should be suitable for general viewing. This company has been reported before and although the numerous complaints were dismissed the TV ad was moved to a later time slot in an acknowledgement it was unsuitable for younger viewers. How much more of an invasion is this given that parents cannot turn off a Billboard????*

*It is also disturbing that this advertisement demeans women making them merely a sexual object that is available for money. It makes women a commodity. What a disgraceful impression to give tourists arriving in our country!*

## **THE ADVERTISER'S RESPONSE**

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

*No response received to date 7 July 2010.*

## **THE DETERMINATION**

The Advertising Standards Board (the Board) considered whether this advertisement met the requirements of the AANA Code of Ethics (the Code).

The Board noted the number of complaints about this advertisement. The Board noted that concerns were raised about: encouraging affairs discriminated against married couples and families whose lives might be adversely affected by affairs; the advertisement promotes and glamorises infidelity which is immoral and inappropriate; that it is advertising directed to children and is inappropriate for children to see this advertisement; inappropriate to use language such as 'Have an affair' in an advertisement; promoting promiscuity without informing about safe sex and that the young woman in the advertisement looks to be under 18.

The Board noted the difficult nature of this advertisement. In particular the Board noted that, under the AANA Code of Ethics, it is not its role to determine the morals of the Australian community. The Board noted that some of the complaints were about the service and the fact that the service can be advertised. The Board agreed that the advertisement would be likely to offend people for whom affairs are contrary to their beliefs and values. The Board noted that there is no restriction on such a service being available or on it being promoted, rather only on how it is promoted. The Board considered that the promotion of affairs or infidelity is not of itself a matter that is prohibited by the Code and relates to the availability of the product or service.

The Board first considered whether the advertisement breached section 2.1 of the Code by discriminating against or vilifying a section of the community. The Board considered that the advertisement does not demean married people simply by suggesting that it is appropriate to have an extramarital relationship and that the advertisement does not breach section 2.1 of the Code.

The Board then considered whether the advertisement met the requirements of section 2.3 of the Code namely whether the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience. The Board noted that there is no explicit sex in the advertisement and that although the young woman appears not to be fully clothed, there is no explicit nudity and the image is not sexualised.

The Board considered that the only sexual reference is to 'have an affair'. The Board considered that the statement was relevant to the product advertised and, although not mentioning sex, in the context of the advertisement would be clearly understood to be encouraging sex between consenting adults. The Board noted that the advertisement is a billboard and is available for viewing by a broad audience. The Board considered that the theme of the advertisement – an affair – was explicit and although not likely to be understood by young children, was a treatment of sex and sexuality that is not appropriate for a broad viewing audience that includes older children. The Board determined that the advertisement

did not depict sex and sexuality with sensitivity to the relevant audience and therefore breached section 2.3 of the Code.

The Board noted concern that the young woman appears to be under age. In the Board's view the advertisement depicts a young woman but the image is not suggesting that she is underage.

The Board also considered the use of the phrase 'have an affair' and whether this language meets the requirements of section 2.5 of the Code which is that the language should not be strong or obscene but is required to be 'appropriate in the circumstances'. The Board considered that 'have an affair' is not strong or obscene and is relevant to the product and service being advertised. However the Board noted that the language is very direct, leaves no doubt that it is encouraging people to have sex with someone other than their partner and is the predominant feature of a large billboard. While it is not inappropriate to advertise the service the Board must consider whether the advertisement advertises the service in a manner that complies with the Code – in this case is the language used in the advertisement appropriate in the circumstances. The Board considered that the exhortation 'have an affair' is not appropriate on a large billboard that is able to be seen by a broad section of the community. The Board considered that the advertisement breached section 2.5 of the Code.

Finally the Board considered section 2.6 of the Code and whether the advertisement depicted material that is contrary to prevailing community standards on health and safety. The Board considered that the suggestion that extramarital affairs lead to family breakdowns and unsafe environments for families may have an element of truth but that reference to infidelity on its own does not breach section 2.6. The Board also considered that the suggestion of infidelity without a similar promotion of safe sex was not a depiction of material contrary to prevailing community standards on health and safety. The Board noted that although the advertisement did not mention safe sex practices there is no suggestion that safe sex practices are not used. On this basis the Board considered that the advertisement did not breach section 2.6 of the Code.

Finding that the advertisement breached section 2.3 and 2.5 of the Code the Board upheld the complaints.

## **ADVERTISER RESPONSE TO DETERMINATION**

The ASB has been advised that the Billboard was removed on 19 July 2010.

