



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0306/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Naughty But Nice</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/09/2013</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

### DESCRIPTION OF THE ADVERTISEMENT

The advertising poster in the window of a Naughty But Nice store depicts a photo of a woman taken from behind, wearing a g-string. Words follow the contour of her body and offer customers the chance of a free g string with their purchase of \$30.00 or more.

### THE COMPLAINT

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

*The poster is in very high focus and is taken very close up. It highlights the bare skin, NOT the actual lingerie it is apparently advertising. It also draws the viewer's attention to the model's vagina, which is covered, but is clearly outlined and accentuated by the close up photography. Many children walk by this area and I feel it is not acceptable to use such overt advertising techniques to attract people's attention. It is my opinion that it is crass and unacceptable to display this type of close up image in a family community.*

### THE ADVERTISER'S RESPONSE

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

*We have surveyed passers-by about the content of the poster and not one person felt it was indecent, obscene or offensive.*

*The photo does not depict anything other than the G-string. No genitals are displayed.*

*This image can be seen live on almost any beach in Australia.*

*As we are located near a school we are fully conscious of our promotions and particularly on how we display these messages to the public.*

*This is the first time we have ever had a complaint and am almost certain that the complainant is a partner of a disgruntled former employee.*

*As this promotion has ended, the poster has been removed from the window.*

## **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 was in the window of the shop and not appropriate for viewing by children.

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 the advertisement features an image of the back of a woman wearing a G-string. The back of the woman’s torso is visible only including her bottom and there is text to the right of the image explaining the deal that is being offered.

The Board noted that the poster was in the window of the Naughty but Nice store which is an adult shop. The Board noted that underwear such as a g-string is available to purchase in store. The Board noted that the offer being promoted was the inclusion of a g-string for free when you purchase lingerie from the shop.

The Board noted that the pose of the woman was to demonstrate the g-string and was not a sexualised pose per se. The Board considered that the image of the bottom of a woman wearing a g-string did not amount to an image that used sexual appeal in a manner that was exploitative or degrading.

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 poster appeared in the window of a store that is located in a public area with the inclusion of a school in close proximity. The Board noted that although the poster was in the window, it was visible to a broad audience that would likely include children.

The Board noted that the image did not include exposed genitals and that the pose of the woman was not sexualised. The Board considered however that the level of nudity in the image, positioned in the window of a store that sells adult toys and sexually related products, placed the image in a sexualised context and therefore brought the attention of a broad audience including children to sex and sexuality.

The Board noted the advertiser’s response that the poster had been removed due to the end of the campaign.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that it 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**

Naughty But Nice acknowledge the Board's decision on the matter of the poster. It has been removed it from display, will not be used again and has now been destroyed.