



Case Report

1	Case Number	0311/14
2	Advertiser	AADA
3	Product	Education
4	Type of Advertisement / media	Print
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of the back of a man with an arm wrapped round him digging nails into his back. The accompanying text reads, "Why not go all the way? Basic training is just foreplay".

THE COMPLAINT

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

Overtly sexualised themes and picture of sex act with scratches on male back to promote the theme of going all the way basic training is just foreplay

This has nothing to do with professional education and promotes an expectation that sex is part of the education seminar or profession

It degrades both the profession and the need for ongoing education

It promotes the idea that trips away to conferences includes sex or the expectation that sex is on offer

THE ADVERTISER'S RESPONSE

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

The 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 concerns that the advertisement depicts a couple engaging in a sex act which is not appropriate in the context of promoting a seminar in a professional magazine.

The Board viewed the advertisement and noted the advertiser had not provided a response. 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 advertisement is promoting courses in skin rejuvenation and features a topless man viewed from behind with a woman’s bare legs wrapped around his waist and one of her hands resting with the nails digging on to his left shoulder blade and that the accompanying text reads, “Why not go all the way? Basic training is just foreplay”.

The Board noted it had previously dismissed a similar image placed in a Herald Sun Sunday magazine in case 0392/11 where:

“The Board noted that the advertisement features an image of a woman, facing the camera with her legs around a male who is visible from the back. The models are dressed from the waist down.

The Board considered that the pose of the models was sexually suggestive but that the setting is not sexual and that there is nothing to suggest an imminent sexual encounter.

The Board noted that the placement of the advertisement meant that the relevant audience was not likely to include children as the Herald Sun and incorporated magazines are targeted to adults.

Considering that the advertisement was mildly sexualized at most, and that the models were not overly exposed, the Board considered that most members of the community would not find the imagery offensive.”

In the current advertisement the Board noted the complainant’s concern that the advertisement depicts a sex act. The Board noted that whilst the advertisement depicts a couple embracing the man is wearing jeans and consistent with its previous determination the Board considered that the pose of the models was sexually suggestive but that the advertised product is not sex related.

The Board noted that the accompanying text include the word ‘foreplay’ and considered that whilst this word does have a sexual meaning in the Board’s view it is not a strongly sexualised word and its use in the context of going all the way with training amounts to an overall use of language which is not strongly sexualised or inappropriate.

The Board noted that the magazine is aimed at the Dental profession and considered that its

limited audience would be unlikely to include children. The Board noted that the advertisement does contain sexually suggestive imagery and language but considered that the advertisement is aimed at making people look more attractive and in the Board's view the limited audience of the advertisement amounts to an overall depiction which is not inappropriate in the context of the relevant adult audience.

Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant professional 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.