



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0324/18</b>
2	<b>Advertiser</b>	<b>Sexyland</b>
3	<b>Product</b>	<b>Sex Industry</b>
4	<b>Type of Advertisement / media</b>	<b>Billboard</b>
5	<b>Date of Determination</b>	<b>25/07/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features a woman in black underwear or swimwear standing under an umbrella in the rain. The accompanying text states "Be unpredictable, this winter..." and the Sexyland logo is in the bottom right corner.

## THE COMPLAINT

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

*Objectivfing women is damaging and this is in a high density family suburb.*

## THE ADVERTISER'S RESPONSE

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



*Billboard image and caption do not breach any section of the advertising Code  
It does not contain or is:*

*2.1 - Discrimination or vilification*

*2.2 - Exploitative or degrading*

*2.3 – Violence*

*2.4 - Sex, sexuality and nudity*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement objectifies women and is inappropriate for an advertisement which would be seen by children.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.  
Degrading – lowering in character or quality a person or group of people.

The Panel noted this billboard advertisement features a woman wearing black underwear holding an umbrella to shield her from the rain. The accompanying text states 'be unpredictable, this winter...'.

The Panel noted the complainant's concern that the advertisement objectifies the woman.

The Panel first considered whether the advertisement contained sexual appeal.

The Panel noted that the advertisement features a woman in her underwear and is advertising an adult store and considered that the advertisement does contain sexual appeal.

The Panel then considered whether the advertisement employs sexual appeal in a



manner which is exploitative of the woman in the advertisement.

The Panel considered that the wording in the advertisement is most likely to be interpreted as a call to action for people to do something unpredictable, such as buy something special from the shop, and considered that it would be unlikely that a reasonable member of the community would interpret the image to suggest in any way that the woman is an object.

The Panel considered that the woman's face is visible and she is covered appropriately by her underwear. The Panel considered that there is no focus on any particular part of the woman's body. The Panel considered that the depiction of the woman in underwear is also relevant in the context of an advertisement for an adult store which, among other things, sells lingerie. The Panel considered that the advertisement did not employ sexual appeal in a manner which was exploitative of the woman in the advertisement.

The Panel then considered whether the advertisement employs sexual appeal in a manner which degrades the woman in the advertisement. The Panel considered that the woman was depicted as confident and enjoying being unpredictable. The Panel considered that the advertisement did not lower in character or quality the woman in the advertisement.

The Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, and did not breach Section 2.2 of the Code.

The Panel 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 Panel noted the complainant's concern that the advertisement appeared in a high density family suburb.

The Panel noted that this is a billboard advertisement and the audience is likely to be broad and include children.

The Panel considered that the woman in the advertisement is appropriately covered and that her breasts and genitals are not visible. The Panel considered that the woman in the advertisement is not posed in a sexualised way, and the accompanying text is not a sexual message.

The Panel acknowledged that some members of the community would prefer for this type of store not to be advertised, but considered that in the context of a store which is legally able to advertise their products, this billboard advertisement did treat the



issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

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

