



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0360-20
2. Advertiser :	Resume Results NQ
3. Product :	Professional Service
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	16 December 2020
6. DETERMINATION :	Upheld - Not Modified/Discontinued

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement is an image of a meme showing the text "Do you have any talents? Me:" and a man dressed in hard hat and high visibility jacket crouching on the ground. The shadow that he makes on the ground bears similarity to a penis and testicles.

The text accompanying the image states: Are you having issues putting your skills into words? With over ten years of mining HR experience, Resume Results NQ can help 'sell' your skills. We specialise in trades, operator and entry level resumes. For a free quote, email your current/old resume to resumeresultsnq@outlook or message our Facebook page today.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advertiser is constantly employing sexually explicit images, language and humour to advertise her services.

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 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 concerns that the advertisement employs sexually explicit images, language and humour.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards"

Does the advertisement contain sex?

The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.



The Panel noted that the advertisement contains an image of a person positioning themselves so that their shadow was in the shape of male genitalia. The Panel considered that the advertisement does contain sexualised humour and does contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.

The Panel noted there was no actual nudity in the advertisement, however the representation of male genitals may be considered by some members of the community to amount to nudity.

Are the issues of sex sexuality and nudity treated with sensitivity to the relevant audience?

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel noted that this advertisement was on the advertiser's Facebook page and considered that the relevant audience would be people who follow that page and people who were looking for help in getting work in the mining industry.

A minority of the Panel considered that the image was humorous, that it did not contain actual nudity, and that the relevant audience of adult Facebook users seeking employment would not find the sexualised humour offensive or inappropriate.

However, the majority of the Panel considered that the sexualised humour in the advertisement was not relevant to the product being advertised and its use was gratuitous. The Panel considered that most people looking for help when seeking employment would not be expecting to see representations of male genitalia and would find such an image confronting.



The Panel considered that the advertisement was an example of behaviour which perpetuated the stereotype that the mining industry is a masculine industry and that people working in this industry need to be comfortable with sexual humour and behaviour of this kind.

The Panel considered that the advertisement did not treat the issues of sexuality and nudity with sensitivity to the relevant audience of people seeking work in the mining industry.

Section 2.4 Conclusion

The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and was in breach of Section 2.4 of the Code.

Conclusion

Finding that the advertisement breached Section 2.4 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the advertiser and other industry bodies regarding this issue of non-compliance.