



## Case Report

1	Case Number	0369/12
2	Advertiser	Ontilt Events
3	Product	Other
4	Type of Advertisement / media	Transport
5	Date of Determination	12/09/2012
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

White vans with information about the services provided by Ontilt Events. There is an image of people playing cards at a table accompanied by the text, "Please visit OntiltEvents.com for a venue near you" and an image of a topless woman with one arm above her head and the text, "WA's sexiest party poker dealers" across her chest. Other text reads, "Play free poker" and "Australia's most FUN, CREATIVE and ENTERTAINING poker events". On the back of the van there is a contact number: "Enquiries 0431 272 789".

### THE COMPLAINT

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

*On the back window of the van there is a large photo of a naked woman. Company has stated that naked dealers available at the bottom of the photo. I found the photo offensive due to the naked lady and the size of the picture. I also had my young son in my car and he asked 'why is that lady wearing no clothes?'*

### THE ADVERTISER'S RESPONSE

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

*Images have been on Van for over 5 years As per the complaint “Company has stated that naked dealers available at the bottom of the photo”. This is untrue as you can see NOWHERE have we mentioned NAKED DEALERS available. We are a family run small business that runs a very successful community based events company and cater to a lot of hens and bucks parties as well; hence the advert on the back....Also that is the only place the image is placed, being the back of the vans. We partner up with other local businesses in the area and recently gave a car away to the community.*

## **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 complainant’s concerns that the advertisement features inappropriate nudity for a broad audience.

The Board viewed the advertisement and noted the advertiser’s 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 placed on the rear panels of vans promoting the advertiser’s business and that the complaint concerns the image of a topless woman with “WA’s sexiest party poker dealers” written across her chest.

The Board noted that recent research on community standards (ASB Community Perceptions 2012) which was undertaken by Colmar Brunton Social Research earlier this year indicated that the community is more conservative regarding advertising relating to sex, sexuality and nudity particularly where children may be exposed to such advertising.

The Board noted that the woman is topless and that whilst her nipples are not visible the rest of her breasts can be seen clearly. The Board considered that the pose of the woman was sexualised and that the combination of the pose, the nudity and the word “sexiest” made the advertisement inappropriate for a broad audience which could include children.

The Board considered that the advertisement did not treat the issue of sex with sensitivity to the relevant audience and 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**

The adverts from both vans have been removed immediately.