



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0382-19
2. Advertiser :	Lismore Theatre Company
3. Product :	Entertainment
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	27-Nov-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement is for a presentation of the play "The Vagina Monologues". It features the title, and an stylised image of a vagina made up of brackets - ({}).

THE COMPLAINT

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

Under 2.4 of the Code, it states that "Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.". This is beside a large primary school as well as adjacent to a bus shelter used by school children and community members. School children should not be exposed to this type of advertisement.

I think the Community Standards (as mentioned in 2.6 of the Act) would find this depiction generally upsetting and not appropriate for school children let alone drivers driving past. The relevant audience is mature adults over the age of 18 I would think, not children ranging from toddlers in prams and school children who have no choice but to walk past this each day on their way to and from school.

If the production must be advertised it is bad enough having the title visible for children to ask their parents those difficult questions on their way to school, but the logo is totally inappropriate and not at all necessary.



THE ADVERTISER'S RESPONSE

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

Addressing section 2 of the AANA Code of Ethics:

2.1 - Discrimination or vilification: This advertisement does not discriminate against, or vilify any group of the community.

2.2 - Exploitative or degrading: This advertisement does not employ any elements of sexual appeal, nor is it exploitative or degrading to any individual group of people

2.3 – Violence: This advertisement does not portray violence

2.4 - Sex, sexuality and nudity: The image on the poster is not about sex or sexuality. Some see it as a symbolic representation of a vagina. In the case of such an interpretation, the image is a symbolic representation of anatomy, not directly referential to sex or sexuality. Also in this case, it could be considered to represent an element of nudity. However it is far removed from any graphic or naturalistic nudity. Others interpret the image as a face, a mouth, menstrual pad, or simply an abstract shape.

2.5 – Language: There is no strong or obscene language on this advertisement. The complainant refers to the word “vagina” as “bad enough” and potentially leading to “difficult questions” from children. Overwhelming public response has been either neutral or positive in this respect. We are of the view that such questions are in fact positive, and lead to healthy conversations in families.

The Northern Star (local newspaper) initiated an online discussion, which reflected overwhelming support for the advertisement. Screen shots from this online discussion are included.

One of our cast members (the former mayor of Lismore) has consulted with the principal of the school next door, who has confirmed that there has only been one parent complaint, and that the school has no issue with the advertisement.

2.6 - Health and Safety: This advertisement does not portray any content that is contrary to Prevailing Community Standards on health and safety. The complainants reference to this section is incorrect, and, we believe, a misunderstanding of this section of the code.

2.7 - Distinguishable as advertising: This billboard is clearly distinguishable as advertising to the relevant audience. It includes the name and website details of the theatre company, as well as dates of the show.



The billboard will be removed on the afternoon of Sunday 8th December.

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 logo and title of the play is not appropriate to 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 2.4 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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained 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 the advertisement did not contain sex.

The Panel considered whether the advertisement contained 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 of itself a depiction of sexuality.

The Panel considered that a stylised depiction of female genitalia in conjunction with the well-known title was a reference to female genitalia, and this reference to a female sexual characteristic does constitute a depiction of sexuality.

The Panel then considered whether the advertisement contained nudity. The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed' and 'without clothing or covering' (Macquarie Dictionary 2006). The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement firstly contains nudity.

The Panel considered that there were no people depicted in the advertisement. The Panel considered that most members of the community would not consider a representation of a vagina made up of brackets to constitute a depiction of someone



unclothed or nude. The Panel considered that the advertisement did not contain nudity.

The Panel then considered whether the advertisement treated the issues of sexuality 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 noted that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted the advertisement was on a billboard outside of a school and considered that the relevant audience would be broad and would likely include children.

The Panel considered that the imagery in the advertisement was not explicit and that the symbols could be interpreted in different ways by the community, including by children.

The Panel considered that there was no sexual suggestion in the advertisement and the advertisement did not include sexualised language. The Panel considered that the word 'vagina' is the term for a part of female anatomy and is not of itself sexual language or inappropriate for the relevant broad audience.

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

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted that the 'Vagina Monologues' is the name of the show being promoted and it is appropriate for advertisers to use such names in advertising for the performances.

The Panel noted that it had previously considered the term 'vagina' in advertising in cases 0018-15, 0305-12 and 0306-12 and has consistently found that when used in a



factual, straightforward manner is not a term which is inappropriate, strong or obscene.

The Panel considered that the language used in the advertisement is not inappropriate for the circumstances and in the context of the promotion of a theatre show the use of the word “vagina” is not strong or obscene language. The Panel determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.