



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0385-20
2. Advertiser :	Oyun.Se
3. Product :	Entertainment
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	20-Jan-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement includes a series of images advertising a games website and different games. The cartoon images include:

- a red cartoon bird with a target symbol
- a yellow cartoon bird with red bandana and cigar
- a person in a yellow dress bending over with her underwear visible.
- a person in spotted underpants/bikini bending over with a red imprint of a hand across their buttocks.

THE COMPLAINT

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

The "oyen.se" looks like it's aimed for children to play; however there are 2 very explicit images (in cartoon) of female bending over showing panties and a hand with 2 fingers pointing upwards towards her genital. The other image is a female wearing only a thong (skimpy pants) bending over, and a large red hand "slap mark" across her bottom.

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 concern that the advertisement appears to be aimed at children, however features sexualised imagery.

The Panel viewed the advertisement and noted the advertiser did not respond.

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 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 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 considered that there are two images in the advertisement which depict sexuality.

Image One shows a person in a yellow dress which is raised above their buttocks and their underwear is visible. The Panel noted that this image is one which the complainant described as having two fingers pointing towards the persons genitals, however the Panel noted that there was a handbag on the floor which bears some similarity to hands but is not.

Image Two shows a person in spotted underpants appearing to be bent over, with a red hand print on their buttocks.

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 that Image One and Image Two both feature people in underwear with their buttocks visible, and the Panel considered that some members of the community may consider this to be partial nudity.

Are the issues of 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 Panel noted that the complainant viewed the advertisement while playing an app game called June's Journey. The Panel noted that June's Journey was a game in which players find hidden objects, and the Panel considered that such a game would not be considered to be particularly directed towards children. The Panel considered that while the advertisement used cartoon imagery, it was not particularly attractive to children and was advertised to an audience which would be likely to be predominately adult. The Panel considered that if a child viewed the advertisement, they would be unlikely to understand the images to be sexual.

The Panel considered that the sexual imagery in the advertisement was mild, featuring only covered buttocks. The Panel considered that while Image Two featured



a hand print on the person's buttocks, indicative of a smack, there is no associated imagery to suggest sexualised behaviour or violence.

The Panel considered that the advertisement was mildly sexually suggestive and that the advertisement did treat the issue of sexuality with sensitivity to the relevant mature audience.

Section 2.4 Conclusion

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

Conclusion

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