



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0386/18
2	Advertiser	Club X
3	Product	Sex Industry
4	Type of Advertisement / media	Poster
5	Date of Determination	12/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement for an adult store features four products in the Magic Touch range of vibrators and the words 'Ladies rejoice'.

THE COMPLAINT

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

Club X Chermside branch is located on one of Brisbane's main arterial roads (Gympie Rd), and is directly opposite one of Brisbane's largest shopping centre's- Westfield Chermside.

My 9 year old autistic son pointed to the images whilst we were stationary at the lights. Clearly this is not something you want to explain to any child and ordinarily, given the age restriction placed upon entry to the store as well as invariably discreet advertising, we don't have to. Such "standards" are surely in place in order to protect innocent minors from such aspects of adulthood they are not yet mature enough to understand should not be either directly nor indirectly exposed to.



This is an area highly frequented by children and families in general and their products should be concealed.

THE ADVERTISER'S RESPONSE

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

Thank you for your email regarding concern of a poster that we have in the front window of our Chermside store in QLD.

To cover off all aspects of Section 2 of the code,

2.1 - Does not contact discrimination or vilification.

2.2 - Is not exploitative or degrading.

2.3 - Is not violent or contain violence.

2.4 - Does not contain sex, sexuality or nudity in any way shape or form.

2.5 - Does not contain offensive language.

2.6 - Does not violate any health and safety laws or regulations.

When devising this concept we were extremely particular in ensuring there was no tie in with sex or sexuality and never contain nudity. We are extremely mindful of the fact that this or any poster we do may be viewed by minors.

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 featured sexual content which was inappropriate for minors.

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

The Panel noted that this advertisement features four vibrators and the words 'Ladies rejoice'.

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 that this Poster advertisement was visible from the street and the relevant audience would therefore be broad and be likely to include children.

The Panel noted that it had previously considered an advertisement with depictions of vibrators in case 0243/15, in which:



“The Board noted that there are images of vibrators next to a woman lying on a bed.

The Board noted that the woman is lying on her side wearing white undies and is covering her naked breast with her arm. The Board noted the complainant’s concern that the woman’s pose is alluring but considered that her pose could indicate she is asleep and in the Board’s view the image itself is not sexualised.

The Board noted the images of the vibrators and the accompanying text which reads, “The ultimate in Luxury ADULT TOYS”. The Board noted the prominence of the words, “adult toys” and considered that attention is being drawn to the vibrators and the adult nature of these products.

The Board noted that these products are legally allowed to be advertised but considered that care has to be taken with regard to the relevant audience.

The Board noted that the Mandurah Mail is a local community newspaper and would attract a broad audience. A minority of the Board noted that the advertiser is promoting their local store and considered that in the context of a community newspaper which would be read by the advertiser’s target, local and primarily adult audience the advertisement is not inappropriate and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board noted that younger children would not be likely to understand what the products are but considered that older children would be able to make a connection between the wording, ‘adult toys’ the images of the vibrators and the image of an almost naked woman on a bed. The majority of the Board considered that the combination of text and images in the advertisement draw the community’s attention to sex and does not treat this issue with sensitivity to the relevant broad audience.”

Unlike case 0386/18, the Panel considered that there is no depiction of an almost naked woman and the text ‘ladies rejoice’ and ‘magic touch’ do not describe the functions of the products being sold.

The Panel considered that young children would be unlikely to understand what the products being advertised were and that there was nothing else in the advertisement that would suggest they are of a sexual nature.

In the Panel’s view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

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

