



Case Report

1	Case Number	0447/17
2	Advertiser	AKA
3	Product	Entertainment
4	Type of Advertisement / media	Billboard
5	Date of Determination	25/10/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features an image of the character Mrs. Brown with her skirt being blown up, on a bright pink background. Text in the advertisement includes the title treatment "For the Love of Mrs. Brown Jan & Feb 2018", a tagline "she's back with a brand new live show", and with specific tour information and booking details for the Sydney performances of the tour.

THE COMPLAINT

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

A frontal upskirt ad in a public place on a station frequented by school kids in which one is encouraged to look up a woman's skirt as a promotion for a fun time is offensive and promotes anti-social behaviour.

THE ADVERTISER'S RESPONSE

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

The advertisement in question is a train station billboard placement promoting the upcoming tour of the live production "For the Love of Mrs. Brown" from the team behind the well-known television comedy "Mrs. Brown's Boys".

The main content of the advertisement is an image which is a parody of an iconic Marilyn Munroe pose, recreated humorously by the lead character of Mrs. Brown's Boys, Agnes Brown.

While underwear is visible, the character is fully clothed. This image is not sexually suggestive, or suggestive of any exploitation or lack of consent on the part of the character.

Prior to installation, the advertisement was submitted to and approved by outdoor media company APN (which owns the site in question) in accordance with the Outdoor Media Association's guidelines.

The image in question has been run across multiple media since July 2017 and no other complaints have been received by the production, venues, marketing and ticketing teams or any other company or individual associated with the tour. This would suggest that the image does not breach prevailing community standards, and has not caused any widespread concern.

In reference to the entire Section 2 of the AANA Code of Ethics:

2.1 - The advertisement does not depict nor discriminate against any specific person, or section of the community.

2.2 (a) - The advertisement does not feature any minors, the only person in the image is clearly middle-aged.

2.2 (b) - The advertisement is not sexually suggestive, and does not seek to use sexual appeal. The advertisement does not contain or suggest any sexual exploitation or degradation of any individual or group.

2.3 - The advertisement does not contain any depiction of violence.

2.4 - The advertisement contains no nudity. While the character's underwear is visible, this is not shown in a sexually suggestive manner, and has been created as a comedic parody of an iconic Marilyn Munroe pose.

2.5 - The advertisement does not contain any strong or obscene language.

2.6 - The advertisement does not present any material contrary to community standards of health and safety. The character is not in a situation which presents any danger to her health or safety. The character is not participating in any activity which promotes illegal actions, or promotes behaviour contrary to health and safety standards.

2.7 - The advertisement does not seek to misrepresent any content within it as the genuine views of any individual or group, and is easily identifiable as a piece of advertising.

In addition to the above, the advertisement is not directed at children, and is not promoting food and beverages or wagering.

In reference to specific comments made by the complainant, in no way does the advertisement encourage audiences to look up the skirt of any woman. The character in question is clearly aware that her dress is being blown up, and not concerned. No other character is present either lifting the dress or viewing her underwear.

This advertisement does not encourage the practice known as 'up-skirting' where the perpetrator takes specific steps to look up a skirt or dress, and the victim is most commonly unaware that it is taking place.

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 the complainant's concerns that the advertisement shows an image of a woman with her skirt raised which is offensive and inappropriate for viewing by children.

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 this billboard advertisement features an image of the character "Mrs Brown." The billboard shows a picture of the character with her skirt blowing up at the front. Her underpants are visible. To the left of the image is the text "For the love of Mrs Brown Jan & Feb 2018. Details of how to book appear at the bottom.

The Board noted the complainant's concern that the image is promotes anti-social behaviour and is inappropriate for viewing by children.

The Board noted the character of Mrs Brown has her underpants exposed. The Board noted that the image is depicting a typical scenario and image of the character and her facial expression is fitting with someone who has had their skirt lift by the wind or similar. The Board noted that she is not lifting her own skirt and is not posed in a seductive manner.

The Board considered that the image is benign and that there is no sexual suggestion. The Board noted that the character's underpants fully cover her private area and she is not exposing herself.

The Board noted that the placement of the advertisement on a billboard means that the

audience would include children but considered that in the context of the live stage production and the fact that the pose of the character is not sexualised, the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach the Code.

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the character Mrs Brown is well known for her live program which includes suggestive commentary and crass behaviour delivered in a humorous tone. The Board noted that the image of Mrs Brown on the billboard is a parody of the famous image of Marilyn Munroe and her skirt being raised up by the air blowing beneath her.

The Board considered that while most members of the community would not consider raising your skirt to be socially acceptable, in the context of the promotion of a live performance, the image is not inappropriate.

The Board considered that the image is not depicting or promoting anti-social behaviour and was not contrary to Prevailing Community Standards on health and safety and did not breach section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.