



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0447/18
2	Advertiser	Kelly Co Vending
3	Product	Sex Industry
4	Type of Advertisement / media	Promo Material
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This advertisement appears on a hygiene vending machine and features a white silhouette of a woman on a blue background. The woman is kneeling and appears to be holding a whip. The text next to the woman state 'wipe on SEX APPEAL' The text underneath states 'The highest quality Pheremone wipe' 'WARNING: CAN TRIGGER POWERFUL RESPONSES USE WITH CAUTION'.

THE COMPLAINT

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

Last Thursday night my male friend went to the mens' toilets while at the Aspley Hotel. When he came out, he showed me a photo of the vending machine that was on the wall which was identical to the vending machine on the Kelly Vending website posing as a "hygiene" machine:



<https://kellycovending.com.au/needle-and-hygiene-vending-machines/>

My friend was upset about this as he took away the message that if you purchased "wipe on sex appeal" you were under the serious impression that women would come flocking. Not just any women, but the kind of women represented by the silhouette on the front of the machine, wearing stilettos and carrying what looks like a whip.

My friend said there are no other toilets in the area and so it would not just be adult men who would see that but all people who go in, including young boys.

My friend told me he felt this was exactly part of the sexually harassing culture that has developed as a result of people not standing up when they see sexual harassment for what it is. My friend made the statement that he felt this was simply another way that our community normalises sexual promotion and marketing for products which perpetuate the culture that causes sexual violence against women.

I could not agree with my friend more.

The next day, I wrote to the Aspley Hotel through their messaging service on their FaceBook page, asking them to withdraw from this type of product and promotion:

FRI 07:43

*Hello Aspley Hotel, I have a friend who frequents your hotel and he has advised that you have advertising in your men's rooms that encourages the thinking that leads to sexual violence against women. I ask, as a woman, that you help us reduce the rate of sexual violence against women in our community and withdraw from this type of advertising. If you don't, you will be continuing to perpetuate the culture that stops me and every Other woman in Brisbane from feeling safe
#heforshe #everydaysexism
(I also attached a copy of the photo my friend gave me)*

MON 17:34

Hello there Danielle, We are sorry to hear that you feel this way. This vending machine does not advertise the encouragement of sexual violence and if it did we would have taken it down in a flash. We have noticed that the vending machine has recently changed it's Layout on the front of the unit, it used to have plain white background without images. These vending machines that are found in most pubs also sell condom's promoting safe sex. Please contact <<https://www.kellycovending.com.au>> for any inquiries about this vending machine.



MON 17:43 Thank you for your response. I will have to disagree with your view on the way this product is marketed. I know these are also put in female toilets and I object just as much, however the issue with your placement of this machine, as my friend put it, is this gives men, and often intoxicated men an unrealistic expectation that women will flock to them and it perpetuates the culture of expectancy in men. This is what fuels sexual violence and if the Aspley Hotel cannot see that, then the Aspley Hotel is a big part of the problem. I am reporting the matter so we'll just have to see what the regulators have to say about the impact of "wipe on sex appeal".

NB You will note the hotel simply dismissed my concern because they do not see the link between the way that product is marketed and sexual violence against women. Condoms are a health promotion item. These wipes are for...wooing women apparently.

The hotel referred me to the vending company, hence why I have include them here as they are clearly happy to defend this type of marketing together.

It is crucial that we stop this type of indirect sexism in our community and particularly in environments like hotels where people are exposed to alcohol and are exposed to these types of products. There is a very strong link between alcohol and sexual violence against women by men, so glorifying sex appeal, or making promises that women who look like Playboy models will come flocking if you wipe on these pheromones, in a hotel is only perpetuating the culture that causes sexual violence against women. I know this is an issue because it was raised with me by a heterosexual, white man who took extreme offence to this in the toilets he uses. Please help us change the culture in our society so we can reduce the sexual violence against women.

I have a photo of the actual machine if needed.

THE ADVERTISER'S RESPONSE

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

With regards to the picture of a lady with holding a rope. I don't see why this would be an issue. The lady is not nude or displaying any offensive language.

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 viewed the advertisement and noted the advertiser’s response.

The Panel noted the complainant’s concern that the product advertised used sexual appeal.

The Panel noted that their charter is to consider the content of advertisement against the Code of Ethics only, and not the ethical merits of a product or service.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainant’s concern that the advertisement objectifies women and implies that they will come flocking if you use the product.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the advertisement featured a silhouette of a woman on one knee holding a rope. The Panel considered that the silhouette is naked and is sexually suggestive however the silhouette is not a person and is not in an exploitative or degrading pose.

The Panel considered that the advertisement did not employ sexual appeal in a manner that was exploitative or degrading and did not breach Section 2.2 of the Code.

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 noted that this advertisement is located in a men’s bathroom in a hotel and that the relevant audience may include children but would predominately be adult men.



The Panel noted that the advertised product is a pheromone wipe and that it is reasonable for the business to promote its product as long as such advertising meets the requirements of the Code.

The Panel considered that the advertisement image is very stylised and the silhouette of the woman lacks specific nudity and detail. The Panel considered that the text surrounding the image is not sexually suggestive or inappropriate to be viewed by a broad audience.

The Panel considered the overall tone of the advertisement was mildly sexualised and the level of perceived nudity in the advertisement was only mild. The Panel considered that the advertisement was appropriate to be viewed by male adult men.

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.

