



# Case Report

1	Case Number	0465/15
2	Advertiser	Emily Ulman
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	25/11/2015
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This poster promoting an album launch for Emily Ulman features a drawing of two naked men kneeling down and holding each other's erect penises. The text reads, "Emily Ulman. Wear it well. Album launch with full band".

## THE COMPLAINT

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

*Because I had to sit in a traffic queue with my young daughter, with this right outside the window, for 2 or 3 minutes, fielding questions from her. I don't care about the imagery per se but using it in a very public place to promote a record... really???*

## THE ADVERTISER'S RESPONSE

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

- 2.1 - Discrimination or vilification; 2.2 - Exploitative and degrading; 2.3 – Violence; 2.5 – Language; 2.6 - Health and Safety
- Not applicable.
- 2.4 - Sex, sexuality and nudity
- The depicted illustration is neither in realistic or cartoonish style with an intended audience

*of music fans in the Collingwood/Fitzroy area, in line with prevailing community standards in the area. The style and expression of the imagery is done in a lighthearted way with no intention to offend.*

## **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 features naked men holding each other’s penises and is not appropriate for outdoor display.

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 this poster advertisement for an album launch depicts two naked men holding on to each other’s penises.

The Board noted the complainant’s concern that the placement of the advertisement on a street wall means that children can see this and it is not appropriate.

The Board noted that the advertisement clearly depicts penises and considered that this level of nudity is not appropriate for outdoor display where children can see it. The Board noted that the penises are erect and being held by another person and considered that the image is sexualised and is not appropriate for a broad audience which would include children.

The Board noted the advertised product is an album launch and that the image used in the advertisement is the same image used on the album cover but considered that in the context of an outdoor advertisement which can be seen by children the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

We acknowledge the decision of the Bureau and as such, have removed all offending posters from public viewing as response.

