



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0562/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Museum of Old and New Art</b>
<b>3</b>	<b>Product</b>	<b>Tourist Attractions</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/01/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement referred to in the complaint is a 360 mm x 1280 mm billboard at the Hobart International Airport. The advertisement states: SEX AND DRUGS \$20. AND THAT'S JUST THE ART. + WINERY, BARS, RESTAURANT, LIBRARY, CINERARIUM, SHOP AND LOTS OF DARK CORNERS. WELCOME TO HOBART. WWW.MONA.NET.AU MUSEUM OF OLD AND NEW ART

## THE COMPLAINT

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

*The words sex and drugs \$20 are the main, huge, words on the advertising. I am offended because it is in the airport to welcome people and that is not representative of what Tasmania is about. This is not words that children need to have in their faces either. It is misleading because causing Mona is about art, the content is just sex and drugs.*

## THE ADVERTISER'S RESPONSE

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

*The complaint appears to be prefaced on the fact that “the words sex and drugs \$20 are the main, huge words on the advertising”. The complainant has expressed a view that this is offensive because:*

- it is not representative of what Tasmania is about; and*
- these are not words that children should have in their faces.*

*Further, the complainant has expressed a view that the advertisement is misleading because “MONA is about art, the content is just sex and drugs”.*

*In your letter, you indicate that the complaint raises issues under Section 2 of the AANA Code of Ethics. In particular, you reference Section 2.2 (sex/sexuality/nudity) and Section 2.5 (inappropriate language). However it is noted that our response should address all parts of Section 2 of the AANA Code of Ethics. We therefore respond as follows:*

#### *General comments*

*The Museum of Old and New Art (MONA) is a privately owned art museum, located in Berriedale, Tasmania. The collection includes a range of antiquities, housed alongside modern and contemporary art.*

*Since opening in 2011, MONA has developed a widespread reputation for (among other things) its exploration of the themes of sex and death through the artworks on display and our unique curatorial approach. A number of the works on display could be regarded as controversial or otherwise polarising. In this context, the words “sex and drugs” in the advertisement are:*

- an obvious play on the common popular culture phrase “sex, drugs and rock ‘n’ roll”, which pertains to the rock and roll lifestyle; and*
- a direct reference to the nature of legitimate artworks on display at MONA, many of which contain references to themes such as sex, sexuality, nudity, drug use, drug effects and drug paraphernalia.*

*This is made clear from the overall context of the advertisement and, in particular, the words “AND THAT’S JUST THE ART”, which immediately follow the words “SEX AND DRUGS \$20”.*

*In addition, the advertisement is clearly identified as relating to the MUSEUM OF OLD AND NEW ART and goes on to list a range of MONA’s services, such as the restaurant and library. The reference to \$20 relates to the entry fee. The purpose of the advertisement is therefore to promote MONA by informing locals and visitors of our entry fee and amenities in a way that reflects our reputation, style and themes.*

*The advertisement is in no way intended to cause offense, represent Tasmania, or be taken literally – and we do not believe it could reasonably be characterised in this way.*

*To our knowledge, this is the first time that any concern has been expressed about the advertisement in question.*

#### *Section 2.1*

*The advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. We do not believe that either the complaint or advertisement gives rise to an issue of this nature, and so have not provided any further response at this stage.*

#### *Section 2.2*

*The advertisement does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people, for the following reasons:*

- it does not reference any individual or group of people, either expressly or impliedly;*
- the words “sex and drugs” are not on their face exploitative or degrading;*
- as noted above, it is clear from the overall context of the advertisement (in particular, the*

words “and that’s just the art”) that this is a direct reference to the nature of legitimate artworks on display at MONA.

#### *Section 2.3*

*The advertisement does not present or portray violence. We do not believe that either the complaint or advertisement gives rise to an issue of this nature, and so have not provided any further response at this stage.*

#### *Section 2.4*

*We believe that the advertisement meets the requirement to treat sex, sexuality and nudity with sensitivity to the relevant audience. In particular, we note that:*

- the advertisement does not portray or depict any sex or nudity or make any reference to sexuality;*
- the word “sex” is not in and of itself offensive, and must be read in the context explained above;*
- the advertisement can be readily understood as pertaining to artwork on display within a contemporary art gallery; and*
- the advertisement is not directed at any individual or group of people (including children).*

#### *Section 2.5*

*We believe that the advertisement meets the requirement to only use language which is appropriate in the circumstances. In particular, we note that:*

- the word “sex” is not in and of itself offensive, does not constitute “strong or obscene language”, and must be read in the context explained above;*
- the language used is intended as a direct reference to the nature of legitimate artworks on display at MONA and reflects MONA’s broader reputation for exploring themes of sex and death; and*
- the phrase “sex and drugs” is intended as a play on the common popular culture phrase “sex, drugs and rock ‘n’ roll”, which pertains to the rock and roll lifestyle.*

#### *Section 2.6*

*The advertisement does not depict material contrary to prevailing community standards on health and safety. We do not believe that either the complaint or advertisement gives rise to an issue of this nature, and so have not provided any further response at this stage.*

#### *Advertising or Marketing Communications to Children*

*The advertisement is not in any way directed to children (whether primarily or otherwise) and does not reference any goods, services and/or facilities which are targeted toward or have principal appeal to children. We do not believe that either the complaint or advertisement gives rise to an issue of this nature, and so have not provided any further response at this stage.*

#### *Misleading information*

*For the reasons outlined above, we do not believe that the advertisement is in any way misleading. As stated above, the purpose of the advertisement is to inform locals and visitors of MONA’s entry fee and amenities in a way that reflects our reputation, style and themes. It is clearly identified as an advertisement for MONA, presented in a ‘tongue in cheek’ way. We do not believe it could be taken literally, or be read as being in any way representative of Tasmania.*

## **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 concern that the advertisement features the words sex and drugs and that its placement on a billboard at the airport is not appropriate as children can

view it.

The Board viewed the advertisement and noted the advertiser had not provided a response. The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board noted that the advertisement is promoting the Museum of Old and New Art and includes very large lettering that reads “sex and drugs \$25” with text to the right that says “and that’s just the art.” There is a web address of [www.mona.net.au](http://www.mona.net.au).

The Board noted that it had previously considered advertising that has used the word ‘sex’ particularly in case 0278/08. In that matter the advertisement referred to “longer lasting sex” and the Board determined that the words “want longer lasting sex” were not medical or clinical in nature and were in fact a blatant message about a sexual act.

The Board noted that the use of some drugs is illegal. The Board also noted that the statement “sex, drugs and rock n roll” is a well-known, iconic statement referring to something that is fun and is not necessarily used to mean the literal participation in sex, drugs and rock n roll. In the current case, the Board noted that the venue being advertised is a well-known museum in Tasmania and that the venue caters for art exhibitions as well as hosting functions and offering tours that include wine tastings. The Board considered that in this way, the use of the words “sex and drugs” is apparent that it does not relate to ‘sex’ or ‘drugs’ themselves. The Board considered that the words sex and drugs are not of themselves offensive or obscene and that in the context of a museum, most members of the community would understand that the promotion is not sinister and relates to an event or exhibition that is taking place.

The Board considered that the advertisement did not use language which is inappropriate in the circumstances (including appropriate for the relevant audience and medium) and did not breach Section 2.5 of the Code.

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