



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 11/05   |
| 2. Advertiser                 | Living Well Health Club                         |
| 3. Product                    | Health Products                                 |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 8 February 2005                        |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement is a print advertisement which features a person lying face down on a bed with their bare bottom showing. A love heart is painted on the person's bottom. The tag line is "New rear solution is at Living Well. Get your butt in now."

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*"... The white sheet covering the naked male in bed in the photo on the banner does not cover him completely. It exposes nearly the entire buttocks to the public view. I find the exposure of a male's buttocks entirely unnecessary and offensive."*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*"We are instructed that our client has not contravened in any way whatsoever section 2 of the AANA Advertiser Code of Ethics or any other section at all."*

*"Our client considers the complaint to be vexatious and without merit and respectfully asks that this most honourable board dismiss the complaint."*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex, sexuality & nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.