



CASE REPORT

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| 1. Complaint reference number | 163/98 |
| 2. Advertiser | Merlin Homes |
| 3. Product | Real Estate |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 13 October 1998 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The billboard is comprised of a (snapshot) photograph of a little girl sitting on the toilet, her underpants bunched around her ankles. The caption underneath the photograph reads, ‘Kathleen’s first time.’ Alongside the photograph is the ‘Merlin Homes logo, three flowers and the words, ‘Magic Moments from Merlin Homes’ are superimposed.

THE COMPLAINT

Comments the complainant made about the advertisement included:

‘Surely there are many other moments in a family’s life which could have been used... More worrying however, is the sexual message, perhaps unwittingly salacious. The panties around the child’s ankles depict a sexual vulnerability which can be linked to the message below her little feet... would not suggest for one moment that the picture of Cathleen will turn someone sitting at the traffic lights into a paedophile. However, our awareness of paedophilia and the perversions which have been inflicted on children has been heightened)... Finally, who decided for the little girl ... that she should be shown to the public at large sitting with her panties around her ankles? Surely we need to ensure that we do not convey mixed messages to our children. What are they to make of warning not to speak to stranger... when they see a large billboard displaying to passing strangers that little girl sitting on the toilet?’

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (‘the Code’).

The Board was of the view that the advertisement’s portrayal did not depict material contrary to prevailing community standards on health and safety nor did the advertisement’s treatment of the subject matter amount to a breach of any other section of the Code. The Board dismissed the complaint.