



## **CASE REPORT**

1. Complaint reference number	210/99
2. Advertiser	People's Truth Pty Ltd ( <a href="http://www.heartbalm.com.au">www.heartbalm.com.au</a> )
3. Product	Media
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 13 July 1999
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

The outdoor billboard advertisement largely consists of a photograph of a naked woman, seated and facing the camera with legs spread apart. Star shaped graphics are placed over each breast obscuring the woman's nipples. A cartoon-style illustration of a computer mouse with an apparent tongue sticking out, together with the word 'CLICK', are placed over her genitalia. Accompanying the photograph are the words 'www.heartbalm.com.au. Also seen in Truth. On sale \$2.50. Racing•Sport•News.'

## **THE COMPLAINT**

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

*"It is clearly visible to all who travel past it, including children, and it is an absolute offence to all women, depicting us as nothing more than sexual objects devoid of any human intelligence, thoughts or feelings."*

*"I believe that most, if not all parents would be similarly concerned about their children seeing this image."*

*"This is a most vulgar poster ... bordering on pornographic."*

*"... extremely crude, sexually explicit and totally inappropriate for the position in which it is located."*

## **THE DETERMINATION**

The Advertising Standards Board ('the Board') considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics ('the Code').

The Board determined that the portrayal of the woman in the advertisement did not constitute discrimination or vilification and did not breach the Code on this ground.

However, the Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and, accordingly, breached Section 2.3 of the Code. The Board upheld the complaint on this ground.

Section 2.3 of the Code provides that:

*"Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."*

In considering the relevant audience, the Board noted the placement of the advertisement on a prominent outdoor billboard site, adjacent to a major highway in Melbourne, which rendered it

readily accessible to an underage audience. In making its determination, the Board particularly noted the pose adopted by the woman and the placement of the image of the computer mouse.