



## **CASE REPORT**

1. Complaint reference number	382/08
2. Advertiser	Icon Clothing Pty Ltd
3. Product	Clothing
4. Type of advertisement	Transport
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 8 October 2008
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This transport advertisement depicts a young couple lying on a bed. The male is wearing underpants and jeans and the female is lying on top of him, wearing hipster jeans and a bra.

## **THE COMPLAINT**

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

*This ad is overtly sexual and depicts 2 young people in an intimate situation. The obvious message is that they are about to have sex.*

*Having pulled up behind a bus with this ad on the back, I had no choice but to view it. (If it was on TV, I could have changed the channel.)*

*I was driving a car in which a child was a passenger and was deeply offended and confronted by this image. It is soft porn.*

## **THE ADVERTISER'S RESPONSE**

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

*In regards to a comment, I'm truly surprised that there has been complaints from this campaign. I really don't think that the material is at all offensive. We did test the images with consumers and we had no negative feedback whatsoever. It is flirtatious and a bit fun. Both people are showing mutual respect and affection for each other, but I can't see how this could do any harm to anyone.*

## **THE DETERMINATION**

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

The Board considered the application of Section 2.3, relating to sex, sexuality and nudity. The Board noted the concerns of the complainants about the appropriateness of the advertisement to a wide outdoor audience. The Board discussed the relevant audience for an advertisement displayed in this manner, noting that the audience could include children. The Board considered there may be a range of views about this advertisement in the community.

While some Board members found the depiction to be unacceptable, a majority found the advertisement did not breach Section 2.3.

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