



CASE REPORT

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| 1. Complaint reference number | 386/06 |
| 2. Advertiser | Dendy Twin Adult Cinema |
| 3. Product | Entertainment |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 10 October 2006 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a young blonde woman wearing a crocheted lilac dress crouched, with one leg outstretched to the side and her eyes closed. She has her right hand under her dress near her genital area, and a finger on her left hand touching her lips.

THE COMPLAINT

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

I find it offensive because it is what I would consider a pornographic image. The woman is clearly touching herself sexually in the image.

This billboard is there for all to see and I feel breaks what is an acceptable community standard... not hard to infer that she was meant to be masturbating.

THE ADVERTISER'S RESPONSE

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

I dispute the claim that the art is not keeping within community standards and in fact has offended a miniscule proportion of the public that frequent that area.

The image on the billboard is far from pornographic and in light of images shown on major billboard sites and in public magazines could be considered tame. The product is an adult venue and the image suitably reflects the product the billboard promotes.

The woman is not touching herself sexually, if anything I would say she has a provocative pose.

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 whether the advertisement treated sexuality with sensitivity to the audience, noting that the advertisement is shown on a large billboard in the middle of Melbourne CBD on a major, busy street corner.

The Board noted the advertiser’s response that the advertisement was appropriate for the nature of the product – a sex cinema – and was not pornographic.

The Board considered that the proximity of the woman’s fingers to her genital area under her dress and the provocative, finger-to-lips pose together implies clearly that the woman is masturbating. In

the Board's view this depiction takes the image from being that of an attractive sexy woman, to that of implied sexual activity. The Board considered that this image of implied sexual activity, in the context of the billboard's wide audience, contravened the provision of the Code relating to the portrayal of sexuality.

Accordingly, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

I would like to confirm that the billboard in question is being removed this afternoon (27/10). My apologies for the delay as it has been difficult arranging riggers to remove the sign.