



CASE REPORT

1. Complaint reference number	404/09
2. Advertiser	Australian Hair & Beauty Imports (MUK)
3. Product	Toiletries
4. Type of advertisement	Print
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 9 September 2009
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

Poster of an unclothed young man, lying down with one hand behind his head in a seductive pose with a towel covering his genitalia with the caption "wanna muk". This poster is accompanied by two other posters - one which states 'What the muk', the other 'What the f*#k is muk?'

THE COMPLAINT

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

I object to this advertisement on the grounds of its language and innuendo and therefore its suitability to be displayed in a family environment such as a shopping centre. The advertisement in question was on display in a shop facing the food court of the shopping centre I attended. There is also a children's shoe store nearby.

Children who pass by the store are exposed to the language. Parents may therefore be placed in an awkward position to try to:

- explain what is meant by the suggestive wording and image and/or*
- justify why this language is acceptable in an openly public context when parents generally discourage their children from using such language.*

This language and innuendo are more suited to magazine or late night television advertising. I would have no objection to this advertisement appearing in those media as I and other parents would be able to control what our children are exposed to. In this situation, it is difficult to avoid. A separate modified version of this campaign should be devised for retail stores.

It should be noted that Petra Hair Care states on its website that its target demographic is 15 to 50 years. It should therefore use this sort of advertising where mainly this demographic is being reached. A shopping centre is not such a place.

This advertisement is in full view of children & young teens walking past, and is in a family shopping centre (as are many of the Petra Hair Care Stores).

The sexualised pose of the male coupled with the repetition of the word F#k is totally inappropriate for kids to be exposed to. People other than Petra's supposed 'target market' will be involuntarily exposed to this advertising. We know that children are negatively impacted by the bombardment of sexualised imagery in their daily lives. Given determinations by the ASB in the past - I will surmise that this complaint will be dismissed because the 'genitals' are covered and the F-word is implied....F*#k.*

Kids Free 2B Kids requests that this advertisement be removed from children's view.

THE ADVERTISER'S RESPONSE

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

included the following:

Firstly, we would like to clarify that the complaints refer to “point of sale” material supplied at no charge to stockists of our “muk” brand of hair care products. This is free support material designed to assist them sell our products. This material is not paid advertising, and no financial remuneration or payment is made, or received, for the display of our point of sale material.

We dispute the fact that the language is inappropriate. The slogan “what the f#k is muk” does not contain any inappropriate language. Nor does the slogan “wanna muk?”*

Likewise, we also reject the claim that the image of our male model is inappropriate. The image is reminiscent of many high fashion editorial images gracing billboards across the country, contains no nudity and the genitals are completely covered. We believe the depiction does not contravene the provisions of the code relating to portrayal of sex/sexuality/nudity.

In conclusion we strongly believe that all our point of sale material complies with all AANA code of ethics.

THE DETERMINATION

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

The Board noted the complainants' concerns that the image of the man was inappropriately sexual for viewing by children and that the language accompanying the image is also inappropriate.

The Board noted that the man in the poster appears to be naked and draped only in a towel. The Board considered that the positioning of the towel meant that most of the man's body was exposed, with the exception of his genitals, with one of his hands partly under the towel. The Board noted that the nudity of the man was not relevant to the product advertised - hair styling products. The Board considered that the positioning of the man was sexualised and was made more so by the accompanying text 'wanna muk' which is suggestive of sexual or intimate behaviour. The Board noted that the posters were displayed in store windows which could be seen by a diverse range of people passing the store (which included children). The Board considered that the sexualised nature of the image was not appropriate to the likely audience and that the advertisement did breach section 2.3 of the Code as it did not treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board noted that the other two posters contained only words ' what the muk' and 'what the f*#k is muck?'. The Board considered that these posters, containing only words, were not sexualised, did not contain language which was strong or obscene and did not breach section 2.5 of the Code.

Finding that the advertisement breached the Code, the Board upheld complaints.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

We accept the board’s decision and as discussed with ASB have contacted all outlets displaying the poster and instructed them that the poster must be removed from their windows immediately.

We have advised our stockists that the poster may be displayed inside the actual salon/store, however not in a window where visible to the passing public.