



CASE REPORT

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| 1. Complaint reference number | 408/09 |
| 2. Advertiser | The Mercury Newspaper |
| 3. Product | Media |
| 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

Outdoor advertisement with the picture of a male streaker at a sporting event with his back showing. His hands are in the air and his back has the words and there is a newspaper covering his bottom with the headline: "fresh peaches". The caption at the bottom of the advertisement says: "For big results it pays to think smaller". "Moonah".

THE COMPLAINT

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

*Re: Mercury Classifieds Advertisement: "Little Ads. Big Impact" (as attached).
I would like to voice my disgust about this Advertisement. It is offensive and I find it horrifying that it is on large notice boards for both young and old to see. You can't miss it which is obviously a good marketing ploy - but I do not think it appropriate. Every day I have to drive past this advertisement (Rosetta) and it is offensive. Not to mention that both a primary and high school are in that vicinity and they would be 'exposed' to this trash as well.
Please take these advertisements down and take them from your newspaper. Surely your marketing crew can come up with something that is decent. It is such a shame that a beautiful state like ours has let their advertising moral standards decline. Do something about it please! As you will notice, a copy of this letter will be sent to The Advertising Standards Bureau.*

As we are a student High School, we strongly object to this type of advertisement on this billboard, especially when the billboard is alongside our school grounds.

THE ADVERTISER'S RESPONSE

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

On Monday, 20 July, I received a letter of complaint from Jenny Branch, President of the Tasmanian State School Parent & Friends Association, which was dated 15 July in regards to the location of the billboard and its message. She expressed concerned that the billboard was located on a takeaway shop wall, in close proximity to a high school. Upon receipt of this letter, I looked into the location of the billboard and decided to remove the streaker artwork and had it replaced with a website advertisement on Tuesday, 21 July 2009.

Due to a few complaints from our readers about the billboards and in-paper advertisements, we approached our agency and we were able to extend the campaign but also cover up the offending body part (the man's bottom) by placing a classified advertisement across it. We have attached billboard artwork showing the cover up and the editorial story which we ran advising our readers. The addition to the billboards went up on Friday, 8 August 2009.

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 complainant's concern that the advertisement is offensive.

The Board also noted that the advertiser has amended the advertisement to cover the man's exposed bottom.

The Board noted the image of a naked man in a situation where he is meant to be at a sporting venue streaking. The Board noted that such behaviour is an offence in most parts of Australia. The Board noted that the image of the man was quite close up and that the man's naked bottom was clearly visible. Although the man's genitals were not visible the Board considered that the large image of the man exposing his rear end in a manner suggestive of streaking was a depiction of nudity that went beyond that which was usual to see, for example, at a beach and was behaviour that is offensive. The Board noted that section 2.3 of the Code requires that sex, sexuality and nudity are treated with sensitivity to the relevant audience. The Board noted that the advertisement is an outdoor billboard and that as such it is subject to viewing by a diverse audience. The Board considered that the advertisement's image of the man's bottom in a revealing manner did not treat nudity with sensitivity to the relevant audience. The Board determined that the advertisement breached section 2.3 of the Code.

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

ADVERTISERS RESPONSE TO THE DETERMINATION

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

Your letter of September 11 requests that we confirm in writing of our intention to modify or discontinue the advertisement.

I draw your attention to the case report and determination which acknowledges the exposed bottom has been covered up. This was done on August 8.