



CASE REPORT

1. Complaint reference number	80/09
2. Advertiser	Future Entertainment
3. Product	Festivals and Concerts
4. Type of advertisement	Internet
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 8 April 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This online banner advertisement promotes a Music Festival. The picture contains the image of a female gnome. The gnome is wearing a red hat and briefs but her upper half is naked, except for stars covering her breasts and a black strip covering her eyes. The gnome appears to be standing on the back of a pink flamingo.

THE COMPLAINT

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

This is on a news.com.au website which can be accessed by children at any time of the day. Also it's a very offensive sexual portrayal of a female.

THE ADVERTISER'S RESPONSE

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

The advertisement and creative was for our Future Music Festival tour.

The Future Music Festival is now in its third year and has always had a theme of garden gnomes in the creative.

I personally, don't find the image of this female gnome offensive and we haven't had any other complaints in the last 3 years about its usage. As you can see from the attached images she has been a consistent part of the creative theme for this Festival.

I can appreciate that the person making the complaint was concerned that younger people may be able to access the Herald Sun website - but they can also access various print media and even television where this image was also used.

Ironically, the image was produced from a physical garden gnome which was purchased from a \$2 shop. So you could argue that young people would have a number of opportunities to access this image - in the media, and in person in shops that also stock toys and sell to children.

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 depicted a naked woman and was

inappropriate.

The Board viewed the advertisement and considered that the image was a stylised image of a gnome, with stars over her breast area. The Board considered that the image was not sexual in nature and that if at all it treated sexuality and nudity with sensitivity to the relevant audience, which is an audience accessing on-line news. The Board considered that the advertisement did not breach section 2.3 of the Code.

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