

Case Report

1. Case Number :	0074-23
2. Advertiser :	WC Savage
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	26-Apr-2023
6. DETERMINATION :	Dismissed
7. IR Recommendation:	Panel to Reconsider
8. Date of reviewed determination:	14-Jun-2023
9. Determination on review:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features an image of a woman in a black bikini swimsuit on her hands and knees in shallow water outdoors. The billboard includes a QR code directing to the w.c.savage OnlyFans account, as well as the OnlyFans and Instagram logos.



THE COMPLAINT

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

The billboard is very large and present at an intersection on a main route to daycares and schools. It is also along a bus route. This means that children and young people will be exposed to the imagery. This imagery encourages a particular view of the female body and value and is inappropriate. It is also situated in a culturally diverse area and I am confident would offend many people of various beliefs and cultural

backgrounds due to the near nudity and clear sexual nature. It is also inviting young people to look up the advertiser which is a pornographic social media platform.

The image is provocative and distasteful and not appropriate for young children and other motorists who are forced to see it while passing by. There is no way to avoid it or block it from children and then having to explain what Only Fans is to young impressionable girls. It is very outdated and I don't want my children thinking that's how to make money when you grow up.

Not only is this advertisement inappropriate for children to see, which is of course obvious to anyone, it also affects teenagers who have access to mobile phones which allow them to access this content with the click of a button, which could then lead them down a dangerous path of adult content addiction and a warped view of the world. Additionally, this is not only about those who go to the website to view the content for their own interest, but also about the ones who feel like they have to live up to that ideology of how a woman must look and act! Flaunting their sexuality to gain attention and money! This is NOT a message that we should be advertising to our younger generation!!

It sends a message that it's acceptable to sexually objectify women. Sexual objectification of women is known to contribute to violence against women, including physical and sexual violence, and coercive control. It promotes pornography to children - the billboard is clearly able to be seen by everyone who passes. It enables children to use a digital device, like a smartphone to use the QR code to be taken to a pornography website. As a woman, it makes me feel less safe in society, and distressed at the message this sends my teenage daughter (it's socially acceptable to view women as sexual objects) and my teenage sons (society says it's OK to portray women like this). I find it very upsetting and offensive.

She may be dressed in a bikini which we can all see when we go to the beach, but that pose is not any normal pose. It is ONLY a pose that you see in sexualised content like pornography. The image is so large that it takes up a 1/3 of the billboard! People have no choice but to see it, whether they want to or not.

Young, old, male or female, I have no choice when I look up, I am going to see that! Its big, its unmissable, its there and I dont WANT to see that.

Either does my 12 year old daughter who I am trying hard to raise to be a strong young women who shouldn't need to feel pressured to dress, look or behave like a woman in porn movie.

All outdoor advertising to be G-rated. Child development experts, psychologists and educators have long warned of the serious risks that flow from the premature sexualisation of children. Children should not be exposed to sexualised advertising when they travel with their parents.

Australia is supposed to be trying to combat the rise of domestic violence, including sexual violence, and coercive control; clear links between attitudes that objectify

women and these criminal and social issues, have been established by a plethora of research

THE ADVERTISER'S ORIGINAL RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

SUBMISSION TO ADVERTISING STANDARDS – OUT OF HOME PANEL- 4 MAIN STREET OSBORNE PARK. OPENING STATEMENT

I hereby submit the following information in support of the current “message” or material being displayed at the above location.

I am not a member of the advertising industry and therefore not required to submit the material for approval.

I sought advice from a professional media body at the graphic design stage of the content and several modifications were made to the content to ensure it met the standards of the Ad Standards and spirit of what Ad Standards sets out to achieve.

I was aware that the content could possibly create some objections and apart from an initial wave of media attention this has now subsided.

It's my view that certain segments of the media portrayed this issue in a deliberately controversial manner that is self-serving and damaged my professional reputation as a content creator.

The content of the sign is consistent with many other Out of Home advertising messages in that it uses pictorial image along with a web site address, a QR code and several small icons for well-known social media sites.

None of the websites listed depicts adult content.

SUPPORTING COMMENTS

Parents don't “need to explain only fans”, they can say it's something for adults only - the same as alcohol or gambling ads we see every day everywhere especially during sporting events.

Children in general do not know what Only Fans is.

The image is of me in any in a bikini at the beach, to link this with pornography is simply wrong. The assertion that a girl in bikini is directly linked to pornography is wrong.

The photo used in the message is not sexual - I am the model and it was taken at a public beach in swimwear –I would wear to any beach.

Some complaints are attempting to make a tenuous link to the image and pornographic content which it does not do.

I attached a link to petition that supports the message, many are from women - https://petitions.eko.org/petitions/keep-the-of-billboard?source=rawlink&utm_source=rawlink&share=b2e25c29-bd7c-4f49-8d32-a46357c5492f&fbclid=IwAR01veIHeZwUOhAT1q6gXnYGAJmIqv8e-uxwarautaKWBz2NktwrmHGZ20&mibextid=ykz3hl

I am promoting my own legitimate business, which is registered with ASIC and the Australian Taxation office. My earnings are subject to being taxed as is any other commercial trading entity in Australia and unlike many foreign nationals and companies I don't use off shore accounts to avoid tax. Therefore I believe I have the right to advertise my services in a responsible manner.

I have been inundated with chain emails from a small religious group in an attempt to collapse my email address. The same group have in my opinion been the ones that have threatened me with physical harm.

To remove the message would send a message to these small extreme groups that harassment of an individual person can work.

The QR code is on the far side from the road and is not intended for road users but the people in the car park. To access the QR code a person would need to walk up to the base of the sign and scan the code.

QR codes are commonly incorporated into other Out of Home messages and its placement was chosen so as not to be considered a road safety issue.

If a member of the public does use the QR code – the person is directed to a web site landing page that requires you to pass a Pay Wall which includes the visitor certifying that they are over 18 and to enter a credit card to subscribe. No adult content is available until these steps are completed.

The image used is me at the beach in a bikini which is an act participated in by majority of Australians and its tourists and is not considered sexual.

The City of Stirling - the local government authority has issued a statement that the message does not breach any local laws and that the matter rests with the advertiser and sign company.

In relation to Ad Standards guidelines:

There is no discrimination or vilification of any person or group as per (2.1)
There is no exploitation or degrading images or references thereto as per (2.2)
There is no depiction of violence as per 2.3
There is no sexual content in this ad as per the definition of 2.4.
There is no nudity or sexuality (2.4)
There is no sexual act sex, or overt sexuality and nudity (2.4),
There is no offensive language (2.5),
There are no self-harm messages 2.6.
The message is clearly an advertising message (2.7)

CLOSING STATEMENT

As the advertiser I have been receptive of input from industry professional's professional graphic designs to create a clear and simple message that would in my opinion meet the Ad standards guidelines.

The message is not demeaning to women as some complaints maintain or in reference to being obscene when measured against the definitions listed above.

The billboard location is sited in a commercial / industrial area.

The site cannot be seen from any residential area. Nor any park or recreational facility.

There are no schools or childcare centres nearby or any other venue that children would attend.

The content on the website cannot be seen simply by scanning the QR code, you must accept you're 18, create an account, add a credit card and then pay to subscribe to the site. This effectively prevents under 18 visitors from accessing any content.

Many steps must be taken before seeing ANYTHING of a sexual nature. I seek to promote my page by using an image of me in a bikini at the beach.

Not in a bed in lingerie or using any sexual connotations. Nowhere on the billboard is message the mention of sexual services or content.

Therefore I submit that case 0233-22 is similar in nature to this message and that an approval would be consistent with past approvals that Ad Standards have given.

The only people who will be able to see this as sexual in nature are those who are already exposed to sex, porn or sexual interactions themselves - therefore excluding children from the argument. The site the QR code directs to be 18 years age restricted with credit card walls and 18+ walls put in place to prevent minors from accessing exclusive content. With this being highlighted as a reassurance to the Panel the direction of the QR code to my site is not under the Panel's purview, only the media on

the sign itself. It is clear that the photo & QR code doesn't impact any clause of the code.

I take matters such as these extremely seriously, and did my due diligence to ensure the image on the billboard was safe and respectful towards ALL members of the community - especially children. All I do through my page is empower & educate subscribers around sex & enjoyment and to say that is demeaning to women (as a female owner of the ad) is quite absurd. I, along with many other women including radio talk show hosts, mothers, single women of all ages and those in relationships of various types have come forward to not only sign the billboard but also message me directly, comment and share in support of me. Anyone of any gender can wear a bikini and be photographed in one without being made to be demeaning. At the time this photo was taken there were multiple young people, children and families on the beach - (even a school excursion) all of which either had no issue or told me how great my images looked and how confident I should feel. If it wasn't sexual in person to see why is it now?

On this occasion, I challenge the complainants' belief that the advertisement is Inappropriate.

I have not been forced to take the billboard down by local council, I have reached all standards and regulations and have had thousands of comments in support from not only Perth and Australia - but worldwide.

Case 0233-22 and other similar were dismissed by the Panel in the past and are all examples as to why this case should also be dismissed.

The area the billboard is located is described as an industrial suburb.

THE ORIGINAL DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted complainants' concerns that the advertisement objectified women and was inappropriate for display where a broad audience, including children may view it. A summary of complaints received is included as appendix 1 the end of this report.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.2: Advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

Does the advertisement use sexual appeal?

The Panel noted that the advertisement depicts a woman in a black bikini swimsuit on her hands and knees in shallow water outdoors. The advertisement is to promote the woman's site on the internet content subscription service platform OnlyFans.

The Panel noted that the OnlyFans platform hosts the work of a range of content creators, including that of adult-only content creators.

The Panel considered that the body of the woman in the advertisement is covered by a bikini swimsuit but that some members of the community would consider that the depiction of a woman in a bikini swimsuit is a depiction of sexual appeal.

The Panel therefore considered that the advertisement uses sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the woman depicted in the advertisement is the advertiser and owner and content creator of the OnlyFans page being promoted.

The Panel noted that it is common for individual content-creators to use images of themselves, to promote their brand and online sites. For example, individuals promoting health and fitness often use images of themselves in swimwear and exercise wear to draw attention to their products and services.

The Panel considered that in this case the advertiser has chosen to share an image of herself to promote her own personal brand and site and is not shown to be an object or commodity.

The Panel also considered that the use of an image of the advertiser is directly relevant to the advertiser's brand and site.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of women.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that in this advertisement the woman is promoting her own personal brand and content. The Panel considered that her choice to share her image does not lower her in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the women.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

“Although not exhaustive, the following may be considered to be overtly sexual:

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contains sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the woman in the advertisement is not depicted engaging in sexual intercourse or sexually stimulating behaviour.

The Panel considered that the advertisement does not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that some members of the community might consider an image of a woman in a bikini swimsuit to be a depiction of sexuality.

The Panel noted that the advertisement is promoting an account on a platform known to some members of the community to contain adult content. The Panel therefore considered that in combination with an image of a woman wearing a bikini this advertisement does contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the advertisement depicts a woman in a bikini swimsuit and that this is a depiction of partial nudity.

Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted the advertisement is displayed on a large outdoor billboard.

The Panel noted the complainants’ concerns that the advertisement is visible from a main road, bus route and petrol station and children are able to view the advertisement. The Panel also noted the advertiser’s response that the billboard is in a commercial / industrial area and there are no schools or childcare centres nearby or any other venue that children would attend.

The Panel considered that while most people viewing the advertisement are likely to be adults, the audience of the advertisement would include children in vehicles driving past the billboard and at the petrol station.

The Panel therefore considered that the relevant audience for the advertisement would be broad and include children.

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel noted that some members of the community would prefer that this type of product not be advertised at all or where it can be seen by children. The Panel noted that its role is to consider the content of an advertisement and not the product being advertised.

The Panel noted the complainants’ concerns that children could scan the QR code and be directed to adult-content. The Panel noted however that the advertisement itself did not include any adult content, and that many members of the community including young children would not know what OnlyFans is.

The Panel considered that even if a child was to scan the code and access the site, all explicit images and videos are still hidden behind age-gating. While text descriptions of adult content can be accessed by selecting ‘more info’ these are not obvious and would be unlikely to attract the attention of children.

The Panel considered whether the image used in the advertisement was overtly sexual.

The Panel noted the advertiser’s response that she is wearing swimwear and the photograph was taken at a public beach. The Panel considered that while the woman’s cleavage is visible her breasts and genitals are covered, and the level of nudity was not inappropriate for a beach setting.

The Panel considered that although the woman is depicted on her hands and knees this pose is not of itself suggestive of a sexual position, and there are no other elements in the advertisement to indicate otherwise. For example, the Panel considered that the image does not draw attention to the genital region, indicate clear sexual innuendo, or is highly suggestive of a sexualised activity.

The Panel considered that the image was consistent with the types of images used by individuals to promote their personal fashion, health or fitness brands, and that the actual content of the advertisement was not overtly sexual or explicit.

The Panel therefore decided that the advertisement was not overtly sexual and that the sexuality and nudity in the advertisement was treated with sensitivity to the relevant broad audience.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.

REQUESTS FOR REVIEW

A copy for the review requests can be found in Appendix 2.

INDEPENDENT REVIEWER'S RECOMMENDATION

I recommend that the Community Panel review its determination in this matter, on two grounds:

- there was a substantial flaw in the Panel's determination in that it did not directly consider whether the advertisement used sexual appeal in a manner that was exploitative or degrading of a group of people (women) in breach of standard 2.2
- there is additional relevant evidence that was not considered by the Panel in reaching its determination that the advertisement treated sexuality and partial nudity in a way that was sensitive to an audience that included children, as required by standard 2.4.

Background

Ad Standards received over 300 complaints regarding a billboard advertisement adjacent to a public road in Perth WA. The advertisement was described by the Panel as follows:

This billboard advertisement features an image of a woman in a black bikini swimsuit on her hands and knees in shallow water outdoors. The billboard includes a QR code directing to the w.c.savage OnlyFans account, as well as the OnlyFans and Instagram logos.

The complaints were assessed against two standards in the AANA Code of Ethics:

2.2: Advertising shall not employ sexual appeal ... in a manner which is exploitative or degrading of any individual or group of people.

2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel found that the advertisement did not breach either standard in the Code.

Ad Standards received requests for review from two of the original complainants. Ad Standards then invited comments from other complainants. Over thirty responded, reaffirming their original complaints.

For the most part the complainants expressed disagreement with the Panel's reasoning in applying standards 2.2 and 2.4. One of the requests for review argued in addition that the Panel should have considered Standards 2.3, 2.5 and 2.6 (these are described below).

The Panel had also received and considered a submission from the advertiser, who was the woman pictured in the advertisement. She explained that she was not a member of the advertising industry and had personally arranged for the advertisement to be posted on the billboard. She stated that she had had regard to the AANA Code of Ethics in designing and posting the advertisement. She commented in her submission that the local government authority had ruled that the advertisement was not in breach of any local law.

Independent Review Function

It is important that I summarise the role of the Independent Reviewer lest there is misunderstanding on this point.

The Independent Reviewer is limited to recommending that the Community Panel review its original determination. The Reviewer cannot substitute a new ruling and does not review the merits of the Panel's determination. The Reviewer can recommend that a Panel review its earlier determination for one of three reasons:

- There is 'new or additional relevant evidence' that was not considered by the Community Panel and that could have had a significant bearing on its determination.
- There was a 'substantial flaw' in the Panel's determination, either because it was 'clearly in error' having regard to the AANA Code of Ethics, or was 'clearly made against the weight of the evidence'.
- There was a 'substantial flaw' in the Panel's *process* of determination.

Only the first two of those grounds are relevant in this case.

Issues in dispute

As noted above, objections to the advertisement were expressed in close to 350 original complaints and subsequent submissions. The complaints were summarised by Panel both at the front of its determination and in an Appendix. One of the requests for review also claimed that a petition objecting to the advertisement had been signed by over 6,000 concerned community members.

Many complainants stated their criticisms more emphatically or colourfully than summarised by the Panel. However, I do not think a lot turns on these stylistic differences, except where noted below. I do not think there is much to be gained by quoting from the complainant submissions. The strength of feeling about the advertisement is clear both from the Panel's determination and this process of complaint and review.

Nor do I find it necessary to address each of the arguments presented in the two requests for review. One of the two requests for review expressed separate disagreement with nearly every statement made by the advertiser and in the Panel's reasoning. Many of those disagreements are not directly relevant to the elements of the two standards considered by the Panel.

Further, the Panel reasoned that the advertisement fell within the meaning of many (but not all) elements of the two standards. It is not necessary that I reconsider all elements, even though they were commented on in many of the complaints and submissions. In fact, some of the complainant arguments were at odds with the Panel's findings (for example, as to the depiction of sexuality in the advertisement and that it reached an audience that included children).

As I see it there are essentially three grounds of contention that required consideration in this review:

- Standard 2.2: the Panel's view that the advertisement depicted sexuality in a manner that was not exploitative or degrading of a group of people.
- Standard 2.4: the Panel's view that the advertisement did treat sexuality and partial nudity with sensitivity to the relevant audience.
- The Panel's failure to consider Standards 2.3, 2.5 and 2.6.

Was the advertisement degrading or exploitative of a group of people?

As to the separate elements of standard 2.2 the Panel found as follows.

- *The advertisement used sexual appeal, as it used an image of a woman in a bikini to promote a platform that hosts adult-only content.*

This finding does not require further consideration as it potentially supports the occurrence of a breach of the standard.

- *The sexual appeal was not used in a manner that was exploitative of an individual, as the woman depicted in the advertisement was the advertiser and the owner and content creator of the OnlyFans page being promoted. It is not uncommon that individuals use their own image in this way. Consequently, the particular woman is not shown to be an object or commodity.*

There is no apparent flaw in the Panel's reasoning on this point. By and large the complaints were concerned with how women in general are portrayed by an advertisement of this kind, rather than with the preparedness of the woman in this advertisement to be shown in this manner.

- *The sexual appeal was not used in a manner that was exploitative of women.*

In my view this element was not directly considered by the Panel. Standard 2.2 states that an advertisement should not employ sexual appeal in a manner that is exploitative 'of any individual or group of people'. The Panel's reasoning deals only with how the advertiser has chosen to portray herself, and does not deal additionally with how women in general are portrayed by an advertisement of this kind. I regard this as a substantial flaw in the Panel's reasoning, as this was the primary thrust of many of the complaints. This is clear from the way the complaints were summarised in the determination and subsequent submissions:

[the advertisement] "encourages a particular view of the female body and value"; "I don't want my children thinking that's how to make money when you grow up"; "that ideology of how a woman must look and act"; "flaunting their sexuality to gain attention and money"; "that it's acceptable to sexually objectify women"; "as a woman it makes me feel less safe in society"; "its socially acceptable to view women as sexual objects"; "that pose is not any normal pose"; "young women ... shouldn't need to feel pressured to dress, look or behave like a woman in a porn movie"; "there is a focus on her breasts [and] what is being sold ... is degrading and exploitative of all women"; "the advertisement communicates that women are able to be bought for sexual and aggressive and savage sexual pleasure".

That theme in the complaints is, in my view, relevant to whether the advertisement used sexual appeal in a manner that was exploitative of women. The Panel should explicitly consider that theme, but does not appear to have done so.

- *The sexual appeal was not used in a manner that was degrading of an individual, as the woman in the advertisement was the advertiser who chose to share her image in that way.*

For the reason given above, there is no apparent flaw in this aspect of the Panel's reasoning.

- *The sexual appeal was not used in a manner that was degrading of women.*

This element of the standard was not directly considered by the Panel. As explained above, this constituted a substantial flaw in the Panel's reasoning.

Did the advertisement treat sexuality with sensitivity to the relevant audience?

As to the separate elements of standard 2.4 the Panel found as follows.

- *The advertisement did not contain sex*, as that term is defined in the Practice Note for the Code of Ethics (sexual intercourse or sexually stimulating behaviour).

Some complaints argued that the woman was depicted in the advertisement in a suggestive manner that invited sexual activity. While there is, perhaps, a degree of ambiguity in the advertisement, my view is that there is no substantial flaw in the Panel's reasoning.

- *The advertisement did contain sexuality*, as it presented a woman in a bikini to promote a platform that contains adult content.

This finding does not require further consideration as it potentially supports the occurrence of a breach of the standard.

- *The advertisement depicted partial nudity*, which is referred to in the Practice Note.

This finding does not require further consideration as it potentially supports the occurrence of a breach of the standard.

- *Sexuality and partial nudity were depicted in the advertisement, but not in breach of the standard requiring that this be done 'with sensitivity to the relevant audience'.*

It was this element of the Panel's reasoning that attracted the most virulent criticism in the complaints.

Among the points made by the Panel were that the advertisement itself did not include adult content; many people including children would not know what OnlyFans is; the OnlyFans platform uses age-gating to hide explicit images; and the woman's position in the advertisement was not itself suggestive of a sexual position.

There were essentially two lines of criticism of this reasoning. One was that the Panel was wrong as regards the ease with which a person (including a child) could access the OnlyFans website using the QR Code and be met with explicit and sexualised references without having to access hidden content. The other was that the Panel had failed to consider all elements of the advertisement collectively – namely, that the obvious purpose of the advertisement and the way the woman was clothed and poised was to promote access to a platform that was likely to be sexual or pornographic in nature. Consequently, the complainants argued, the advertisement did not deal with sexuality and partial nudity in a way that was

sensitive to an audience that included children, including children attending a school within a kilometre distance and at local recreational venues.

The Panel's reasoning is open to criticism, but not necessarily on the basis that it is substantially flawed by being clearly in error or against the weight of the evidence. However, I think it can be said that the Panel has not fully or properly considered the possible reaction of children to the advertisement or to the purpose of their access to the OnlyFans website. These matters were convincingly argued in the responses to the Panel's determination. The form in which the arguments were put constitute relevant evidence that in my view should be considered by the Panel in a reconsideration of its determination.

In addition, as one of the requests for review notes, the Practice Note to the Code states that prevailing community standards are relevant when applying the Code. The submission referred to several government publications urging that children should be protected from harmful sexualised advertising. The submission also claimed that the advertisement had generated heated commentary in WA across many platforms – talkback radio, newspaper articles, TV news, Facebook posts, a Change.org petition and by parliamentarians. While there are clear practical difficulties in expecting the Panel to access that additional evidence, there is a firm basis for concluding that the submissions in response to the Panel's determination present a new and stronger perspective on community feeling that should be considered as fresh and relevant evidence in a Panel reconsideration.

Should the Panel have considered standards 2.3, 2.5 and 2.6?

One of the two requests for review argued that a breach of three other standards should have been considered by the Panel.

- *Standard 2.3:* It was argued that the sexually aggressive posture of the woman coupled with the words 'w.c.savage' suggests violent sexual activity.

I do not find this argument compelling or that the Panel's failure to consider it was a substantial flaw in its reasoning.

- *Standard 2.5:* It was argued that the use of the phrase 'w.c.savage' was obscene in the context of the image.

While that term may be regarded by some as suggestive, I do not find compelling the argument that it is obscene and should have been considered by the Panel.

- *Standard 2.6:* It was argued that the advertisement breached this standard which provides that 'Advertising shall not depict material contrary to Prevailing Community Standards on health and safety'.

The submission referred to several government publications that urge that children should be protected from hypersexualised advertising. As noted above, my view is that this line of argument can be appropriately considered by the Panel in assessing whether (under standard 2.4) the advertisement was sensitive to an audience that included children.

THE DETERMINATION ON REVIEW

The Ad Standards Community Panel (Panel) noted the requests for review of its decision and the findings of the Independent Reviewer. The Panel noted that the Independent Reviewer considered that there were substantial flaws in the Panel's determination and additional information which needs to be considered. Specifically, the Independent Reviewer noted:

- The Panel did not consider whether the advertisement is exploitative or degrading of a group of people – namely women in general.
- The Panel had not fully or properly considered the possible reaction of children to the advertisement or to the purpose of their access to the OnlyFans website.
- The Panel should consider documents referred to by complainants as additional evidence of a perspective on community sentiment.

The Panel noted that it needed to reconsider the case under the AANA Code of Ethics (the Code). The Panel noted that the Independent Reviewer had confirmed the Panel's determination in several areas of the Code, and the reconsideration of this case should be limited to the areas above.

Section 2.2 Advertising shall not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted that the Independent Reviewer had not found a flaw in the Panel's determination that the advertisement was not exploitative or degrading of a person - the woman in the advertisement. The Panel considered the Reviewer's comments that the Panel had not considered whether the advertisement was exploitative or degrading of a group of people - women in general.

The Panel considered that it would be difficult for an advertisement which did not use the sexual appeal of a woman, being the woman in the advertisement, in an exploitative or degrading manner, to be exploitative or degrading of women in general, but proceeded to consider that point specifically.

The Panel considered that there are some segments of the community who find sex work or women working in the adult entertainment industry to be exploitative or degrading of women generally, and therefore would be likely to see this advertisement as exploitative or degrading. However, the Panel considered that there was also a section of the community

which would view this as a legitimate business able to be advertised and would not see this as degrading to women or to people who work in this industry. The Panel considered that in this context the advertisement is portraying a woman's sense of ownership over her own body (and by extension women's in general), rather than suggesting that women are objects or commodities.

Overall, the Panel considered that the advertisement was not exploitative or degrading of a group of people, women in general.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted that the Independent Reviewer had not found a flaw in the Panel's determination that the advertisement did not contain sex, but contained sexuality and partial nudity.

The reaction of children to the advertisement and the QR Code

The Panel noted the Reviewer's comments that the Panel had not sufficiently considered the possible reaction of children to the advertisement or the relevance, in the context of a potential child audience, of the purpose of the advertisement and the way the woman is clothed and posed - that is, to promote access to material sexual in nature.

The Panel noted that the advertisement's inclusion of a QR code did provide a one-click access through to the promoted site. The Panel considered that it would be difficult for children driving past the billboard to be able to scan the QR Code, however it was possible that some children in a car parked at the petrol station may scan and access the site. The Panel noted that the advertisement is not in an area where there would be many children unsupervised by parents or caregivers.

The Panel noted that if an unsupervised child who had unrestricted internet access on their device who was determined to do so scanned and accessed the website the child would see two pictures of the woman in swimwear/lingerie similar to the image on the billboard. The Panel also noted that if the child clicked 'more information' on the woman's profile they would see a text description of the content that is offered through paid subscription which did include some sexually explicit terms. The Panel noted that to access any explicit material the user would need to subscribe to the website, state they were over 18 and provide a credit card.

The Panel considered that the advertisement did not include bright colours, cartoons, a call to action or anything that would particularly attract children to scan the QR Code and access the

content. The Panel also considered that there would be a limited number of children with access to unrestricted internet devices who would have the opportunity to scan the QR Code. The Panel also noted that most children who viewed the advertisement would be in the company of supervising adults. The Panel considered that there would be few children who would attempt to scan the QR code or access the material. The Panel considered if they did, the images on the website were similar to that on the billboard and were not overtly sexual depictions. The Panel considered that the text-based content would not be of interest to children, and the sexualised terms would only be understood by those already familiar with such content.

The Panel noted that this is a legal business able to be advertised, and its role is to consider the content of the advertisement itself. The Panel considered the Independent Reviewer's comments that there was not a flaw in the Panel's determination that the image in the advertisement was not overtly sexual, and as such, the Panel did not need to reconsider this point.

Overall, the Panel considered that the advertisement, and in particular the use of the QR code, was treated with sensitivity to the relevant broad audience of the advertisement which would include children.

Additional evidence

The Panel noted the Reviewer's comments that the Panel should consider documents referred to by complainants as a new and stronger perspective on community feeling and therefore additional evidence on community standards.

The Panel noted that complaints and the review requests referred to Government reports, petitions and news articles as evidence that the sexual nature of the billboard was not appropriate to be seen by an audience that would include children.

The Panel acknowledged that there are segments of the community which are uncomfortable with and regard as harmful sexualised depictions in advertising and the adult entertainment industry being promoted at all. The Panel accepted that these sections of the community had found the billboard to be confronting and inappropriate.

The Panel noted that there was also a petition in support of the billboard and news articles that included support for the billboard. The Panel considered that the views of all sections of the community should be considered.

The Panel noted that it is made up of a range of people from different backgrounds, including cultures, faiths, education and occupational backgrounds. The Panel considered that its role is to reflect broad community standards, and in its view most members of the community would not find the billboard contrary to community standards.

Section 2.4 conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Conclusion

On review, the Panel found that the advertisement did not breach any other section of the Code, and the Panel confirmed its original determination and dismissed the complaints.

APPENDIX 1: SUMMARY OF COMPLAINTS

The Panel noted that complaints received about the advertisement include that it:

- Sends a message that it's OK to sexually objectify women, and sexual objectification of women leads to violence against women
- Promotes the commodification of women's bodies which does not empower women
- Teaches men and boys to treat women like play things
- Provides an example to young girls how a woman must look and act Is degrading of women
- Suggests that the woman is for sale/only there to service men
- Is large and visible from a main road to day-cares and schools and a petrol station meaning that children and young people will see it.
- Is on a bus route and lots of busses go past, including school buses
- Is also in a culturally diverse area and may be offensive to people of particular faiths and cultures
- Is in public and parents can't stop their kids from seeing this
- Is distracting for people driving past, and people driving past shouldn't use a camera to access QR Code
- Is inappropriate as There are childcares, schools and family homes in the area
- Contains a QR Code which provides direct access to a porn site to anyone who scans it, including children who know how to scan QR codes
- Is advertising a pornographic website which is not appropriate to be seen by children, have to explain to children what it is
- Shows teenagers how to access porn, which is addictive and dangerous to developing minds
- Exposes children to porn and objectifying imagery which is linked to mental health issues, eating disorders, victim blaming and violence against women. Exposing children to pornographic images is a form of grooming and child abuse
- Is not G rated and is for the promotion of 18+ products and services
- Includes a link from QR Code which describes content available, including 'bondage' and 'anal'.
- Undermines the Government's roll-out of the National Principles for Child Safe organizations.
- Is inappropriate for adult males struggling with a porn addiction
- Does not include any kind of disclaimer that the website was for adults only
- Includes an image which is highly sexual and not appropriate for the audience
- Includes a picture of a woman in a suggestive pose, legs spread, leaning forward, on all-fours and she is half-naked
- Includes an image which is overtly sexual
- Includes an image which if it were in a work place in WA would be illegal under OH&S regulations. Hence it is inappropriate to expose the whole community to such an image.

APPENDIX 2: Review Requests

REVIEW REQUEST 1

Please find below information pertaining to the gigantic Perth porn billboard for which Ad Standards dismissed community member complaints on April 26, 2023.

More than 6,000 concerned community members are calling for the billboard to be pulled down (see my petition for more information: change.org/billboardpetition). I urge the Independent Reviewer to consider this as a true reflection of community standards and expectations on advertisers, and overrule the Ad Standards Community Panel's egregiously flawed dismissal of complaints against the gigantic porn billboard.

I look forward to your response.

Introduction

A porn billboard just three blocks from a Perth primary school has received a thumbs up from the ad industry self regulator. The Ad Standards Community Panel ruled in favour of the advertiser to the detriment of community members - vulnerable kids included – dismissing hundreds of complaints about the gargantuan streetside suburban porn ad. Media reported Ad Standards received 350 complaints about the ad.

What community members said (from the Case Report):

- The billboard is very large and present at an intersection on a main route to daycares and schools. It is also along a bus route. This means that children and young people will be exposed to the imagery.
- There is no way to avoid it or block it from children..I don't want my children thinking that's how to make money when you grow up.
- As a woman, it makes me feel less safe in society, and distressed at the message this sends my teenage daughter (it's socially acceptable to view women as sexual objects) and my teenage sons (society says it's OK to portray women like this).
- That pose is not any normal pose. It is ONLY a pose that you see in sexualised content like pornography. People have no choice but to see it, whether they want to or not. It's unmissable..I dont WANT to see that. Either does my 12 year old daughter who I am trying hard to raise to be a strong young women who shouldn't need to feel pressured to dress, look or behave like a woman in porn movie. (sic)

- Australia is supposed to be trying to combat the rise of domestic violence, including sexual violence, and coercive control. Clear links between attitudes that objectify women and these criminal and social issues, have been established by a plethora of research.

What the advertiser said (+ my responses)

Advertiser: I am not a member of the advertising industry and therefore not required to submit the material for approval.

RESPONSE: This comment highlights the failures of ad industry self regulation. An advertiser is free to flog porn to kids in the public space - no prevetting required. Just a willing collaborator like - in this case - WA Billboards.

Advertiser: I sought advice from a professional media body at the graphic design stage of the content and several modifications were made to the content to ensure it met the standards of the Ad Standards and spirit of what Ad Standards sets out to achieve.

RESPONSE: Ad Standards routinely dismisses community objections to harmful, pornified, objectifying portrayals of women in advertising. This may be why the advertiser appeared confident that the porn billboard 'met the standards of Ad Standards'.

I note also that on April 14 the advertiser announced that regarding communications with Ad Standards:

'I have also been contacted by Ad Standards Australia in regards to any AANA breaches and I'm confident that it will be ok. If the Community Panel finds anything wrong they are also willing to work with me to adjust the ad to be able to keep it up.'

It appears that Ad Standards had already committed to endorsing the porn billboard. This is in direct violation of its commitment to a fair review process and to 'protecting community members from harmful advertising.'

It's unclear what the 'spirit of what Ad Standards sets out to achieve' is exactly. I do know that Ad Standard's job is to protect community members from exposure to harmful advertising like this porn billboard. In this instance, Ad Standards failed to do its job.

Advertiser: I was aware that the content could possibly create some objections and apart from an initial wave of media attention this has now subsided.

CORRECTION: More than 6k people have signed my petition to pull the porn billboard, and it is still growing. The above statement from the advertiser reveals an intent to violate community standards by erecting a porn billboard in their backyard. This is the essence of irresponsible advertising.

Advertiser: It's my view that certain segments of the media portrayed this issue in a deliberately controversial manner that is self-serving and damaged my professional reputation as a content creator.

RESPONSE: It was relieving to see media coverage giving voice to community members who want the porn billboard gone - especially since mainstream media tends to portray OnlyFans porn creation without critique, and as a glamorous and lucrative career choice for young women.

It is unclear what damages are being referred to, noting the advertiser celebrated a significant hike in OnlyFans subscribers and profits as a result of the porn billboard which was shoved in non-consenting community members' faces.

Since the Community Panel published its determination, the advertiser has stated to media that knowing the billboard would create 'outrage' was the reason they 'did it'. See: <https://7plus.com.au/flashpoint?episode-id=FLAS07-011&startAt=1012&autoplay=true>

This is abusive - exploiting loopholes in the self regulated ad industry system in order to shove a porn billboard into the faces of non consenting community members - including children, then taunting them afterwards by revealing their intended objective was achieved. The advertiser has made a mockery of Ad Standards, the Community Panel members who reviewed the ad, the complaints handling system, and the AANA Code of Ethics underpinning it.

Advertiser: The content of the sign is consistent with many other Out of Home advertising messages in that it uses pictorial image along with a web site address, a QR code and several small icons for well-known social media sites.

CORRECTION: The Billboard is 12.6 metres wide and 3.3 metres tall. Nothing about it is 'small'. Community members described it as 'unmissable'. The billboard is MASSIVE - and so are the QR code, OnlyFans logo and Instagram logo featured on it, which direct viewers to a porn site.

Advertiser: None of the websites listed depicts adult content.

CORRECTION: The billboard's QR code links to a porn site where a list of degrading porn acts including 'bondage', 'anal' and 'squirting' and porn themed images of a

woman are featured. The Instagram account promoted on the billboard features porn themed content and directs users to a porn site.

Advertiser: Parents don't "need to explain only fans" ..

CORRECTION: Parents are FORCED to explain pornography to kids at younger and younger ages because the predatory porn industry forces itself into children's lives - unwanted and uninvited. This suburban streetside porn billboard is just another example of the predatory porn industry targeting kids. It makes parents' conversations with kids about OnlyFans unavoidable.

Parents have a right to choose when and how they teach their children about sex, sexuality and pornography. Vested interests of the predatory porn industry should not have a free pass to violate that right in the name of 'advertising'.

Advertiser: ..[parents] can say it's something for adults only - the same as alcohol or gambling ads we see every day everywhere especially during sporting events.

CORRECTION: I am not opposed to kids seeing fewer gambling or alcohol ads. However, ads flogging the sale of women's bodies as men's masturbation material are not 'the same as alcohol or gambling ads'. Women are not things. This billboard serves to reinforce female subordination and women's second class status by reducing women's bodies to literal products.

This is a typical response from a vested interest of the porn/sex industry - to blame parents for children's exposure to porn, and offer advice on how parents need to do better to protect them from it. It is a strategy used in an attempt to exonerate porn industry profiteers from accountability for the harms they themselves cause to children.

Advertiser: Children in general do not know what Only Fans is.

RESPONSE: This claim is baseless. And it goes against facts.

Late last year the BBC exposed how OnlyFans aids child sexual exploitation after US law agents found that pre-pubescent children were being directed to produce 'abusive images' of themselves which were then uploaded to the platform. UK child protection advocacy group NSPCC said that children are also consuming pornography on OnlyFans.

Advertiser: The image is of me in any in a bikini at the beach, to link this with pornography is simply wrong. (sic)

CORRECTION: The image is of a woman in a bikini POSED FOR SEX. The billboard is flogging subscriptions to a porn account. It literally links viewers to a porn site.

Advertiser: The assertion that a girl in bikini is directly linked to pornography is wrong. (sic)

CORRECTION: The billboard flogging porn subscriptions features a porn style image of a woman and tools to access a porn site. The assertion that this specific billboard image is directly linked to pornography is correct.

Advertiser: The photo used in the message is not sexual - I am the model and it was taken at a public beach in swimwear – I would wear to any beach. Some complaints are attempting to make a tenuous link to the image and pornographic content which it does not do.

CORRECTION: Repeating statements about bikinis and beaches does not change the fact that this is a sexualised image used to flag porn content for sale on a porn site.

Advertiser: I attached a link to petition that supports the message, many are from women.

RESPONSE: It was not surprising to see support for the porn billboard. The signatures on the pro porn billboard petition represent ill informed, poorly shaped opinions influenced by a culture which normalises and even celebrates the sale of women's bodies as men's masturbation material.

The 3k people including 'many women' who signed this petition have effectively advocated for children and other non consenting members of the public to be forced to view a massive porn billboard while going about their business in the public space. They have effectively advocated for the sexual grooming of children and the sexual harassment of other community members. They have effectively demonstrated support for an ad that contributes to sexist attitudes toward and tolerance of violence against women.

The petition is a red herring - a distraction from meaningful and much needed discussions about how this billboard makes life worse for women and girls.

Advertiser: I am promoting my own legitimate business, which is registered with ASIC and the Australian Taxation office. My earnings are subject to being taxed as is any other commercial trading entity in Australia and unlike many foreign nationals and companies I don't use off shore accounts to avoid tax. Therefore I believe I have the right to advertise my services in a responsible manner.

CORRECTION: Paying taxes does not give a business owner licence to shove gigantic porn billboards in peoples' faces. On the subject of 'rights', people - including vulnerable children - have the right to NOT be sexually harassed and groomed through exposure to porn billboards in the public space. Advertising in a "responsible manner" means engaging with facts about the harms of objectification and pornified portrayals of women in advertising - on women and girls especially; demonstrating care and consideration for community members impacted by the advertising; and NOT shoving gigantic porn billboards in peoples' faces.

Advertiser: I have been inundated with chain emails from a small religious group in an attempt to collapse my email address. The same group have in my opinion been the ones that have threatened me with physical harm. To remove the message would send a message to these small extreme groups that harassment of an individual person can work.

RESPONSE: Objectification of women is foundational to male attitudes and behaviours which harm women and girls, including sexual harassment and assault and other forms of violence and abuse. As Jean Kilbourne said, 'turning a human being into a thing is almost always the first step toward justifying violence against that person'.

I and thousands of community members stand against harassment, assault, abuse and violence against women while challenging cultural factors which contribute to it - like pornography and the objectification of women in advertising.

Removing the billboard would send a message to community members that the safety and well being of people - women and girls especially - is more important than profit.

Advertiser: The QR code is on the far side from the road and is not intended for road users but the people in the car park. To access the QR code a person would need to walk up to the base of the sign and scan the code.

CORRECTION: I was able to access the porn account landing page via the QR Code while sitting in a parked vehicle at the service station next to the billboard, at the bowsers furthest away from the sign. Regardless of who it is intended for, the QR code is accessible to anyone who holds a mobile device camera up to it.

Advertiser: QR codes are commonly incorporated into other Out of Home messages and its placement was chosen so as not to be considered a road safety issue.

REPONSE: At least road safety was considered in the production and placement of the porn billboard. If only a fraction of this concern was given to the fact it gives kids access to a porn site.

Advertiser: If a member of the public does use the QR code – the person is directed to a web site landing page that requires you to pass a Pay Wall which includes the visitor certifying that they are over 18 and to enter a credit card to subscribe. No adult content is available until these steps are completed.

CORRECTION: The landing page features sexualised imagery and a list of degrading and explicit porn acts. No proof of age required.

Advertiser: The image used is me at the beach in a bikini which is an act participated in by majority of Australians and its tourists and is not considered sexual. (sic)

CORRECTION: Context is key. The image is highly sexual, depicting a woman posed “doggy style” on all fours with legs spread to the rear. It is being used to flog subscriptions to a porn site.

Advertiser: The City of Stirling - the local government authority has issued a statement that the message does not breach any local laws and that the matter rests with the advertiser and sign company.

CORRECTION: The City of Stirling passed the buck to the land owner - Akerele Pty Ltd (whose Directors Ms Anna Ricciardello and Calogero Ricciardello are the decision makers in my petition to pull the porn billboard) and directed concerned community members to lodge complaints with Ad Standards.

Advertiser: There is no discrimination or vilification of any person or group as per (2.1) There is no exploitation or degrading images or references thereto as per (2.2) There is no depiction of violence as per 2.3 There is no sexual content in this ad as per the definition of 2.4. There is no nudity or sexuality (2.4) There is no sexual act sex, or overt sexuality and nudity (2.4), There is no offensive language (2.5), There are no self-harm messages 2.6. The message is clearly an advertising message (2.7) The message is not demeaning to women as some complaints maintain or in reference to being obscene when measured against the definitions listed above.

RESPONSE: Decades of research verifies that this type of advertising serves to demean, degrade and dehumanise women.

Advertiser: The billboard location is sited in a commercial / industrial area. The site cannot be seen from any residential area. Nor any park or recreational facility. There are no schools or childcare centres nearby or any other venue that children would attend. (sic)

CORRECTION: The porn billboard is situated at a busy intersection used by motorists, public buses and pedestrians. A school is located three blocks away. A dance school, Karate school and vet are located opposite the billboard. The billboard faces directly into a service station. A complainant pointed out that the billboard is on a 'main route' to day care centres and schools and that it is located on a bus route.

Advertiser: The content on the website cannot be seen simply by scanning the QR code, you must accept you're 18, create an account, add a credit card and then pay to subscribe to the site.

CORRECTION: The porn account landing page accessible via the QR Code features a list of explicit porn acts and porn themed imagery.

Advertiser: This effectively prevents under 18 visitors from accessing any content.

CORRECTION: Anyone with a mobile device can access the porn page and the Instagram account promoting and linked to it - even when restrictions are set to block adult content.

Advertiser: Many steps must be taken before seeing ANYTHING of a sexual nature.

CORRECTION: 'Bondage', 'anal', 'pussy play', 'squirting' and 'cum shots' are pornographic terms used to describe the pornographic content featured in the advertised porn account. These are explicit sexual terms. It took ONE STEP to reach the porn page featuring this list and sexualised imagery.

Advertiser: I seek to promote my page by using an image of me in a bikini at the beach. Not in a bed in lingerie or using any sexual connotations. Nowhere on the billboard is message the mention of sexual services or content.

CORRECTION: OnlyFans is a porn site. Its owner Leonid Radvinsky is a corporate pimp, pornographer and predator. Attempts to promote OnlyFans as a platform for "general" content creators are disingenuous.

An OnlyFans logo, an image of a woman posed for sex, a QR code and Instagram handle directing viewers to an OnlyFans account where degrading porn acts are listed: nowhere on the billboard is the message NOT about sexual services or content. (Note that the billboard's featured Instagram handle initially promoted a Twitter account but this has since been removed. Note also that the advertiser uses Twitter to share porn content using hashtagged terms popular with kids and young teens, and to promote the OnlyFans porn account.)

Advertiser: Therefore I submit that case 0233-22 is similar in nature to this message and that an approval would be consistent with past approvals that Ad Standards have

given. The only people who will be able to see this as sexual in nature are those who are already exposed to sex, porn or sexual interactions themselves - therefore excluding children from the argument.

CORRECTION: Children are not dumb. They are curious. They have mobile devices. And they know how to use QR codes. It is irresponsible and egregious to disregard the potential impact of the porn billboard on kids.

Advertiser: The site the QR code directs to be 18 years age restricted with credit card walls and 18+ walls put in place to prevent minors from accessing exclusive content. With this being highlighted as a reassurance to the Panel the direction of the QR code to my site is not under the Panel's purview, only the media on the sign itself. It is clear that the photo & QR code doesn't impact any clause of the code.

RESPONSE: Ad Standards and the AANA Code of Ethics it makes its decisions must accommodate consideration of a billboard QR code which directs viewers - including children - to a porn site, or they are clearly not fit for purpose.

What Ad Standards said (+ my responses)

Community Panel: The advertisement depicts a woman in a black bikini swimsuit on her hands and knees in shallow water outdoors.

CORRECTION: The woman is posed 'doggy style' for sex.

Community Panel: The advertisement is to promote the woman's site on the internet content subscription service platform OnlyFans. The Panel noted that the OnlyFans platform hosts the work of a range of content creators, including that of adult-only content creators.

CORRECTION: OnlyFans is a porn site owned by long-time corporate pimp, pornographer and predator Leonid Radvinsky. See previous responses.

Community Panel: The body of the woman in the advertisement is covered by a bikini swimsuit but that some members of the community would consider that the depiction of a woman in a bikini swimsuit is a depiction of sexual appeal. The Panel therefore considered that the advertisement uses sexual appeal.

RESPONSE: The problem is not 'a woman in a bikini'. It's that the porn billboard depicts a woman as an object for men's sexual use (and abuse).

Community Panel: The woman depicted in the advertisement is the advertiser and owner and content creator of the OnlyFans page being promoted. The Panel noted that it is common for individual content-creators to use images of themselves, to

promote their brand and online sites. For example, individuals promoting health and fitness often use images of themselves in swimwear and exercise wear to draw attention to their products and services. The Panel considered that in this case the advertiser has chosen to share an image of herself to promote her own personal brand and site and is not shown to be an object or commodity. The Panel also considered that the use of an image of the advertiser is directly relevant to the advertiser's brand and site. The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of women.

RESPONSE: Yet again Ad Standards has demonstrated a lack of understanding of what sexual objectification is and how it harms women and girls. This is a literal sex industry ad which employs an image of a woman posed - as one man on social media put it - 'ready for a pounding from the rear', to flog subscriptions to porn content for men to masturbate to. Ad Standards also demonstrates a lack of ability to engage with facts: The woman featured in the ad flogging porn subscription is literally depicted as a commodity.

Community Panel: The woman is promoting her own personal brand and content. The Panel considered that her choice to share her image does not lower her in character or quality. The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the women.

RESPONSE: Presenting women in sexual poses to flog men's masturbation material is the essence of women's degradation. Ad Standards' use of euphemisms and refusal to engage with facts does not change this.

Community Panel: The woman in the advertisement is not depicted engaging in sexual intercourse or sexually stimulating behaviour.

RESPONSE: See 'doggy style' and 'ready for a pounding from the rear' responses above.

Community Panel: The advertisement does not contain sex.

RESPONSE: It's a porn billboard flogging porn subscriptions on a porn site featuring an image of a woman in a porn pose. The ad ONLY contains references to sex.

Community Panel: Some members of the community might consider an image of a woman in a bikini swimsuit to be a depiction of sexuality. The Panel noted that the advertisement is promoting an account on a platform known to some members of the community to contain adult content. The Panel therefore considered that in combination with an image of a woman wearing a bikini this advertisement does contain sexuality.

RESPONSE: Sexuality and sexual objectification are not the same thing. Conflating the two, or misidentifying sexually objectifying depictions of women as mere 'depictions of sexuality' (as Ad Standards has done) means that Ad Standards will continue to endorse harmful, pornified ads like this porn billboard.

Community Panel: The definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity". The Panel noted that the advertisement depicts a woman in a bikini swimsuit and that this is a depiction of partial nudity.

RESPONSE: 'Partial nudity' is not the problem. Harmful depictions which reduce women to sex objects is.

Community Panel: The advertisement is displayed on a large outdoor billboard. The Panel noted the complainants' concerns that the advertisement is visible from a main road, bus route and petrol station and children are able to view the advertisement. The Panel also noted the advertiser's response that the billboard is in a commercial/industrial area and there are no schools or childcare centres nearby or any other venue that children would attend.

CORRECTION: The advertiser has apparently provided incorrect information. A primary school is located 800m - just three blocks - from the porn billboard. A complainant noted that the porn billboard is situated in a position en route to schools and day care centres. A Karate school, dance school and vet are located just opposite the billboard. These as well as the service station which the porn billboard directly faces are venues frequented by children.

Community Panel: Most people viewing the advertisement are likely to be adults.

RESPONSE: This is a baseless claim which does not negate the fact that children are having the gigantic porn billboard shoved in their faces.

Community Panel: The audience of the advertisement would include children in vehicles driving past the billboard and at the petrol station. The Panel therefore considered that the relevant audience for the advertisement would be broad and include children.

RESPONSE: Correct. The relevant audience includes children.

Community Panel: The definition of sensitivity in the Practice Note is "understanding and awareness to the needs and emotions of others".

RESPONSE: Note that in the process of shoving the porn billboard in community members' faces, the advertiser and the billboard owner - WA Billboards - have

failed to demonstrate an understanding and awareness of anything beyond their bank balance. (Edit: *and road safety. See earlier response.)

Community Panel: Some members of the community would prefer that this type of product not be advertised at all or where it can be seen by children.

RESPONSE: Women are not things and their bodies and body parts are not products. Responsible adults protect children from porn billboards which depict women and their bodies as commodified masturbation material for men.

Community Panel: The Panel's role is to consider the content of an advertisement and not the product being advertised.

RESPONSE: The Panel's role is to protect community members from harmful advertising. The content of the porn billboard - which includes a pornified depiction of a woman - cannot be magically separated from the male masturbation material it promotes and directs viewers - including children - to. If Ad Standards can't take these facts into consideration in its rulings then clearly it is not fit for task.

Community Panel: The complainants' concerns that children could scan the QR code and be directed to adult-content. The Panel noted however that the advertisement itself did not include any adult content, and that many members of the community including young children would not know what OnlyFans is.

CORRECTION: These are unsubstantiated claims which contradict facts. See previous responses regarding OnlyFans and children's knowledge of and exposure to pornography on the platform.

Community Panel: Even if a child was to scan the code and access the site, all explicit images and videos are still hidden behind age-gating.

CORRECTION: There was NO age gating - one click to the porn page, even with device restrictions set to block adult content. I myself verified this fact.

Community Panel: While text descriptions of adult content can be accessed by selecting 'more info' these are not obvious and would be unlikely to attract the attention of children.

CORRECTION: This is an unsubstantiated claim which goes against everything known about children's accidental and incidental exposure to pornography. It is deeply disturbing that the Community Panel minimised concerns about potential harm to children in favour of a vested interest of the predatory porn industry. This highlights a major gap in the Community Panel's understanding of community standards, and its adequacy for the task of reviewing community complaints

about porn billboards and protecting community members from harmful advertising.

Community Panel: The Panel considered whether the image used in the advertisement was overtly sexual. The Panel noted the advertiser's response that she is wearing swimwear and the photograph was taken at a public beach. The Panel considered that while the woman's cleavage is visible her breasts and genitals are covered, and the level of nudity was not inappropriate for a beach setting.

RESPONSE: This is not a bikini ad. It's not a beach ad. It is an ad flogging a woman's body as men's masturbation material on a gigantic suburban streetside billboard to an all ages audience which includes children. The levels of nudity that Ad Standards considers appropriate for beach settings are irrelevant to discussions about how the gigantic porn billboard is harming community members.

Community Panel: Although the woman is depicted on her hands and knees this pose is not of itself suggestive of a sexual position, and there are no other elements in the advertisement to indicate otherwise.

RESPONSE: Where men saw a woman posed 'doggy style' and 'ready for a pounding from the rear', Ad Standards saw..what exactly? Where community members saw (and tested) oversized QR codes and an Instagram handle giving 2-click access to a porn site to anyone with a mobile device camera, Ad Standards saw..what exactly?

Ad Standards' response to community concerns about the giant porn billboard was: 'Nothing to see here, move along'. It effectively gaslit thousands of community members who are calling for the billboard's removal.

The Community Panel has not offered any information to substantiate its claim that 'this pose is not itself suggestive of a sexual position' or that 'there are no other elements in the advertisement to indicate otherwise'. I urge the Independent Reviewer to consider the information I have provided which verifies the explicitly sexual nature of the image.

Community Panel: The image does not draw attention to the genital region, indicate clear sexual innuendo, or is highly suggestive of a sexualised activity.

RESPONSE: Porn pose. Porn platform. Porn subscriptions. Porn account. The claim that the image is not sexual or indicative of sexual activity demonstrates a disconnect from facts and community expectations regarding public advertisements.

Community Panel: The image was consistent with the types of images used by individuals to promote their personal fashion, health or fitness brands, and the actual content of the advertisement was not overtly sexual or explicit.

RESPONSE: See 'porn pose' and 'Only Fans is a porn site' responses above.

Community Panel: The Panel therefore decided that the advertisement was not overtly sexual and that the sexuality and nudity in the advertisement was treated with sensitivity to the relevant broad audience. Section 2.4 Conclusion The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

RESPONSE: Ad Standards sided with the advertiser, dismissing complaints from over 350 community members (which must be some sort of record). It effectively endorsed the sexual harassment of adults who do not wish to view the porn billboard and the sexual grooming of children who should be specifically protected from exposure to it.

REVIEW REQUEST 2

Further to your letter dated 03/05/2023 regarding the above matter we hereby request a review of this case by the Independent Review Process.

We note that a review can be requested on the grounds that "... there was a substantial flaw in the Community Panel's determination (determination clearly in error having regard to the provisions of the Code or initiatives, or clearly made against the weight of evidence.)"

We request a review on the following grounds:

1. The Panel erred by failing to take into account prevailing community standards

The Code of Ethics Practice Note states that prevailing community standards apply to all parts of Section 2 of the code. The outrage in the community via talkback radio, newspaper articles, TV news on all stations, Facebook posts, a Change.org petition being initiated etc makes it very clear that the billboard was NOT in keeping with community standards. A simple Google search of 'only fans billboard Osborne Park' brings up multiple articles and news items which confirm this. The fact that the billboard was international news as well, that it continued to feature in the WA and national news and in talkback radio, and generated comments from MPs etc over a period of weeks (not just one 24 hour news cycle), demonstrates that the billboard was not in keeping with prevailing community standards.

2. The Panel failed to take into account section 2.2(b) of the Code of Ethics

Section 2.2 (b) prohibits the use of sexual appeal in advertising which is exploitative of or degrading to any individual or group of people.

The AANA Code of Ethics Practice Note dealing with 2.3 states on page 7:

“Material can be found to be exploitative or degrading even where the model is looking confident where the model is being depicted as a product or commodity or the focus on body parts is not relevant to the product or service being advertised. Advertising which used sexual appeal and suggests that a person is a product, or that they exist only for the enjoyment of others has been found to breach this section of the Code.

Likewise, advertising which uses attractive models in revealing clothing, where the use of the model is not relevant to the product, has been found to be exploitative.

‘Focusing on body parts can include a close-up, multiple close-ups or longstill on breasts or buttocks or cropping in such a way as to emphasise these body parts. Such focus on body parts is not acceptable unless used to advertise relevant products and services.’

The burden of this advertisement is that this woman or others like her are available to be viewed for the enjoyment of others. It is clear that she (or viewing of her and others) is what is being sold. There is a focus on her breasts showing that viewing of her and others in more revealing ways is what is being sold. That is degrading and exploitative of all women.

3. The Panel failed to consider section 2.3 of the Code

Section 2.3 prohibits the use of violent content unless it is justifiable in the context of the product or service advertised.

The sexually aggressive posture of the woman coupled with the words “w.c.savage” suggests violent sexual activity.

4. The Panel erred in failing to adhere to the plain reading of Section 2.4 of the Code of Ethics which reads: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Sexuality:

The Panel in its final Case Report states that the advertisement ‘...is a depiction of partial nudity’. It further states that “... the level of nudity was not inappropriate for a beach setting.’ While a bikini is common in a beach setting, if a woman knelt as depicted in the photo close up in front of a child, it would be considered child sexual abuse. If any adult at a beach would show a larger than-life picture of a woman as she appears on the billboard to a child, it would be classified as abuse.

Given the public outrage, it was clearly not in keeping with prevailing community standards for this image to be displayed on a billboard.

Sensitivity to the audience:

According to the code (2.4), sexuality and nudity have to be treated with sensitivity, keeping in mind the audience.

The image of the woman on the billboard does not treat sexuality and partial nudity with the sensitivity required for an audience that includes children.

The pose of the woman in the image on the billboard is NOT (as claimed) simply a woman wearing a bikini, as might be seen at any beach. Her pose is intended to draw as much attention as possible to her breasts. As mentioned above, no child or woman would be exposed to such a close-up view of a woman's breasts at a beach in the normal pursuit of normal beach activities.

The picture of the woman on the billboard shows large amounts of her breasts.

We note that in the Final Case Report it states:

The panel noted the Practice Note for the Code states: Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

Although not exhaustive, the following may be considered to be overtly sexual:.....people depicted in...clothing where a large amount offemale breastscan be seen.

Thus, the Panel acknowledged in writing that the advertisement is overtly sexual. The Code is clear that outdoor advertising is not allowed to be overtly sexual. Thus, the billboard advertisement is in clear violation of the Code. Failure to uphold the complaint is evidence that the Panel chose to ignore or at least not give due weight to the evidence put before the Panel.

The Audience:

The Panel failed in its obligation to take into account the relevant audience as required under 2.4 of the Code. The audience of any roadside billboard includes all members of the community, including women and children. Being a billboard, parents and caregivers have no power to prevent the children in their care from being exposed to this highly sexualised image of a woman.

Exposing children to such images of a woman is not in keeping with prevailing community standards.

5. The Panel failed to consider section 2.5 of the Code

Section 2.5 prohibits the use of strong or obscene language and requires that the language used in advertising must be appropriate for the circumstances.

The AANA Code of Ethics Practice Note states on page 10 :

Advertising that uses sexualised double entendre will often be seen to not breach the Code when there is a non-sexualised interpretation which would be understood by children viewing the advertisement.”

It cannot be that obscene language is restricted to the ‘f’ and ‘c’ words. Obscenity is offensiveness. The use of the words “w.c.Savage” is obscene in the context of the image. It cannot be said that there is a non-sexualised meaning which the children who may view that advertisement may take. It is only sexual.

6. The Panel failed to adhere to Section 2.6 of the Code relating to Prevailing Community Standards on Health and Safety

The Panel failed to adhere to Section 2.6 of the Code, which states that advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

No children’s books in Australian community libraries carry such images of a woman. The reason for this is straightforward: Prevailing community standards deem such images as harmful to children. Many experts consider it harmful for children to be exposed to sexualised images.

We draw your attention to a letter from the WA Minister for Women’s Interests to the Chair of the Standing Committee on Environment and Public Affairs in connection with a petition that was received by the WA Legislative Council in 2022 entitled Protecting Children from harmful hypersexualised advertising. She wrote:

Extensive research shows that hyper-sexualisation in advertising and marketing communication contributes significantly to the normalisation of the sexual objectification of women, impacts negatively on community attitudes towards women and reinforces the ongoing prevalence of gender stereotyping and sexual harassment and assault. Mechanisms to challenge harmful messaging and negative gender stereotyping in advertising and marketing communication is a central aspect of achieving gender equality in Western Australia and supporting the long-term safety, health and wellbeing of women and girls.

We further draw your attention to the WA Commissioner for Children and Young People’s 2013 report on the Sexualisation of Children which finds that already in 2013 there was widespread concern in the community about the exposure of young children to sexualised images. This again highlights that the Panel failed to take into account prevailing community standards.

We wish to point out that displaying the image of the woman that appeared on the billboard in a WA workplace would be in violation of WA Occupational Health and Safety provisions, as sexually explicit pictures or posters are not permitted in workplaces. (See WA WorkSafe publication Gendered violence: Sexual Harassment – Information Sheet). Women do not feel safe in workplaces where such images are displayed, and thus they are no longer permitted in workplaces. The Panel has erred in considering an image to be acceptable for a billboard when that same image would be illegal in a workplace. The error of the Panel deeming an image acceptable for children to see when it is prohibited in a workplace, is self-evident.

How the Panel could conclude that it is within the prevailing community standards to expose children and women to a huge picture on a billboard when that same picture would be illegal in a workplace, demonstrates the seriousness of the Panel erring in its judgement.

Moreover the advertisement communicates to men that women are able to be bought for sexual and aggressive and savage sexual pleasure. That must be in breach of the Code.

Conclusion:

The Community Standards Panel erred in that it:

- failed to evaluate the billboard advertisement in keeping with prevailing community standards
- failed to find the advertisement was degrading and exploitative
- failed to find that the advertisement was violent
- failed to adhere to the Notes which require such an image to be deemed sexually explicit
- found a sexually explicit advertisement to be acceptable for an outdoor billboard, the audience of which includes children
- failed to uphold the obligation of the advertiser to treat sexuality and nudity with sensitivity, keeping in mind the audience
- failed to find that the advertisement used obscene language
- failed to apply Section 2.6 of the Code, and failed to provide a reason as to why an image that is illegal in a workplace, should be acceptable on a public billboard.