

Case Report

1. Case Number :	0291-23
2. Advertiser :	Falcon St
3. Product :	Real Estate
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	30-Jan-2024
6. Decision:	Upheld - Not Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This poster advertisement features a background image of a man in a trenchcoat from behind. He is opening the coat as though he is flashing someone. Text in front of the image includes the words, "expose yourself".



THE COMPLAINT

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

I am writing to raise my concerns regarding a real estate ad placed on the Military Road in Neutral Bay. Image attached.

The advertisement in question features a depiction of a man committing an act of indecent exposure, which is being portrayed in a comedic context. This portrayal is particularly disturbing and offensive, given the discourse around such acts and their potential links to more serious crimes. For instance, according to The Guardian, Wayne Couzens, the Metropolitan Police officer found guilty of raping and murdering Sarah Everard, had a history of indecent exposure incidents.
<https://www.theguardian.com/world/2021/oct/07/indecent-exposure-flashing-sarah-everard-police-response>

The use of such a serious and damaging act for humour not only trivialises the severity of the crime but also disregards the broader societal impact and concerns, especially in light of the significant police resources being allocated to address violence against women and children in our area.

I believe this content may violate the AANA Code of Ethics, particularly those sections of the Code that relate to social values, decency, and appropriateness.

Given the potential breach of the AANA Code of Ethics and the evident community disquiet, I respectfully request that the North Sydney Council and Ad Standards conduct a review of this advertisement and consider appropriate actions. This may include the removal of the ad and a review of the vetting process for future advertisements to ensure they adhere to community standards and the AANA Code of Ethics.

I contacted Prosel, but have received no response as of yet.

It depicts a man exposing himself. It's just blatantly offensive in depicting a sexualised behaviour that is almost always directed at women by men. In this country we have a huge problem with sexualised violence against women and this ad casualises what is a traumatic experience for many women (including myself). Research shows this is a gateway form of offending against women. It is unbelievable anyone could think this is appropriate. Disgusting.

THE ADVERTISER'S RESPONSE

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

Are you seriously wasting time, resources and effort to investigate a promotional sign with the faded image facing away from view?

Nothing about that sign repulsive, suggestive or criminal in nature or fact. It is far far more tasteful than most tv shows or suggestive degenerative billboards of girls or guys in undies or sexually suggestive of one sex superior over the other.

We live in Australia not the US, having a Long Black coffee is not offensive and saying "bullshit" is not illegal.

Lets move on and have a life. This is bullshit.

THE DECISION

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 the complainant's concern that the advertisement depicts sexualized violence.

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

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for this section of the Code which states

"Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code... sexual violence is not acceptable under any circumstances."

Does the advertisement contain violence?

The Panel noted that the impression of the advertisement is that the man is exposing themselves to non-consenting people. The Panel considered that this is a crime and would be considered sexual violence.

The Panel considered that the advertisement did contain violence.

Is the violence portrayed justifiable in the context of the product or service advertised?

The Panel noted the advertisement was part of a well-known trope of someone flashing in a trench coat, and the image was a visual pun linking exposing property to potential buyers with indecent exposure.

The Panel considered that although the advertiser had linked the image with the message of the advertisement, the depiction of sexual violence was not justifiable in the context of promoting any product or service.

Section 2.3 Conclusion

The Panel determined that the presentation or portrayal of violence in the advertisements was not justifiable in the context of the product or service advertised and did breach Section 2.3 of the Code.

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

Does the advertisement contain sex?

The Panel considered whether the advertisement contained 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 considered that flashing is a form of sexual violence and that there is a sexual element to the act, as such the advertisement contains 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 considered that there is a sexual element to the act of flashing, and the advertisement did 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 considered that while there was a suggestion that the man was exposing himself, and that the advertisement contained suggested nudity.

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

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 considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant

audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted the advertisement was an outdoor ad, and the relevant audience would likely be broad and include children.

For the reasons listed under Section 2.3 above, the Panel considered that the advertisement contains sexual violence and considered that this did not treat the issues of sex, sexuality and nudity with sensitivity to any audience.

Section 2.4 Conclusion

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

Decision

Finding that the advertisement did breach Sections 2.3 and 2.4 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

The advertiser responded and indicated that they would not be complying with the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.