

## Case Report

1. Case Number :	0023-24
2. Advertiser :	Kittens
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	21-Feb-2024
6. Decision:	Upheld – Not Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This mobile billboard advertisement has two versions.

Version 1 appears on the side of the vehicle and depicts three women. Two are in lingerie and are posed with their buttocks visible. One woman is posed in a deep V neck lingerie one-piece, with the sides pushed aside to expose her breasts which she partly covers with her hands.



Version 2 appear on the back of the vehicle and depicts a woman in lingerie shown from the side. She is shown pulling down the front of her underpants.



### THE COMPLAINT

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

*They had very suggestive and inappropriate advertising driving around the streets of Brisbane on Melbourne Cup day on the 7th November at 3:15pm at the time school students were leaving school. They show almost naked women making sexually*

*suggestive poses. Photos were taken at approximately 825 Ann St Fortitude Valley QLD 4006.*

## **THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

## **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 is overtly sexual and inappropriate for display in a public place.

The Panel viewed the advertisement and noted the advertiser did not respond.

### **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 contained a depiction of 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 first image features women posed in a sexualised manner, however they are not interacting or touching each other. The second image features a woman alone who is not engaged in sex. The Panel considered that the advertisement does not contain a depiction of 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 given the nature of the business being advertised, the sheer and minimal nature of the lingerie and the poses of the women, the advertisement did contain a depiction of 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 in both images the women were wearing lingerie, and considered 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 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 that these images appear on a moving truck and are illuminated. The Panel considered that the audience would be broad and would include children.

The Panel acknowledged that the nature of the product or service itself may not be considered appropriate by people viewing the advertisement and noted that some members of the community would prefer that these types of businesses are not advertised, however considered that advertising them is legal and a promotion of such services is not itself a breach of the Code.

#### Image 1

The Panel considered that the two women at the back were posed in a manner which emphasised their buttocks, and that the woman in the front was touching her breast with one hand and biting a finger on the other hand. The Panel considered that all three poses were highly sexualised.

The Panel considered that the style of lingerie worn by the woman on the right meant that a large amount of her buttocks was visible. The Panel considered that while the woman in the middle was covering her nipples, a large amount of her breasts were still visible. The Panel considered that the advertisement was overtly sexual. The Panel considered that the overtly sexual image was not appropriate for the relevant broad audience which would likely include children.

#### Image 2

The Panel noted that the woman is depicted pulling her underpants down at the front, and considered that while her genitals were not visible, this is an overtly sexual image. The Panel considered that the overtly sexual image was not appropriate for the relevant broad audience which would likely include children.

### **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.

### **Conclusion**

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DECISION**

The advertiser has not provided a response to the Panel's decision. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.