

## Case Report

1. Case Number :	0091-24
2. Advertiser :	Love and Rockets.tv
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	17-Apr-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features five women in white crop tops and brief yellow shorts with the words "Come Play".



### THE COMPLAINT

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

*Billboard advertisement on the M1 in Yatala Queensland*

*There is a huge billboard on the M1 southbound by the Beenleigh exit advertising Honey B's strip club.*

*It has inappropriate imagery and wording. This is particularly upsetting for parents with young children in the car. Many families drive the M1 every day - why on earth someone thought that's a great place to put an ad for a strip club is just ridiculous.*

## **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 concerns that the advertisement contains sexualised material which is inappropriate for children to view.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

### **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 women in the advertisement are not interacting with each other and are not engaged in 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 the advertisement includes images of women in sexualised sports uniforms with the words, “Come play”. The Panel considered that this was 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 the advertisement depicted women wearing sports uniforms which exposed the bottom of their breasts and considered that the advertisement contained 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 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 of the needs and emotions of others”.

The Panel noted that some members of the community would prefer that this type of business 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 or service being advertised.

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

The Panel considered that while the women were depicted wearing sexualised sports uniforms, their nipples and genitals weren't visible. The Panel considered that the women were not in overtly sexualised poses, and the wording on the advertisement was not explicit.

The Panel considered that young children would not understand what is being advertised. The Panel considered that the imagery and wording on the billboard was discreet and was not an overtly sexual depiction.

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

#### **Section 2.4 Conclusion**

The Panel found the advertisement 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 complaint.