



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0143/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Sexyland</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/04/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This billboard features a man without a shirt wearing a collar and bunny ears and a kneeling woman - facing him - wearing bunny ears and a top and skirt. The woman's midriff and curve of her buttocks are visible. There are two captions - Easter Fun and Sexyland.

## THE COMPLAINT

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

*The word 'Easter' refers specifically to a religious, holy event for Christians of all denominations around the world. Juxtaposing 'Easter' which conjures up mental images of the death and resurrection of Jesus Christ, with the scantily clad woman and men wearing bunny ears, which references the Playboy bunny, is offensive. The eggs would clearly draw the eye of any children in the cars passing by. I believe the word 'Easter' should be removed along with the eggs, which is clearly targeting children. Sexyland appears recklessly indifferent to the impact the signs have on parents who try to mediate what their kids are exposed to. These type of sexualised messages should not be allowed in the public domain.*

## THE ADVERTISER'S RESPONSE

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

*2.1 - Discrimination or vilification · Not Discriminatory or Vilifying*

*2.2 - Exploitative and degrading - Not Exploitive or degrading*

*2.3 – Violence · No Violence*

*2.4 - Sex, sexuality and nudity · No sex or nudity shown*

*2.5 – Language · Language is acceptable*

*2.6 - Health and Safety No health and safety issues*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement uses a religious festival to sell a product with sexualised images.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that the advertisement for an adult sex shop features a man and a woman wearing bunny ears and there is an image of easter eggs.

The Board acknowledged that Easter means different things to the community and to some members of the community the period represents a significant tenet of the Christian faith. The Board considered that the commercialised nature of the word ‘Easter’ and the associated holiday period also means that there is a representation of eggs and bunny ears to sell products. The Board noted that the use of the rabbit ears in the current advertisement is relevant to the promotion of a sale that is available around the Easter period.

The Board considered that an advertisement featuring chocolate easter eggs and bunny ears does not in itself portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of religion.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that it was legal to advertise a store of this nature and reasonable for an advertiser to depict the name of the venue in its advertising. The Board considered that the billboard itself does contain images of a couple in a mildly sexualised pose, although there is no nudity or overt act of a sexual nature. The Board noted however that the image of the women is relevant to the products available.

The Board noted in a previously dismissed case (0083/13), that:

“the use of bright colours and references to Easter and the bunny are likely to attract the attention of children but considered that the content of the advertisement is appropriate for a broad audience including children”.

The Board considered that the pose of the woman and man in the advertisement was mildly sexualised but was not unacceptable to be seen by a broad audience that would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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