

**Kids Free 2B Kids Submission**

on

**The Inquiry into the regulation of billboard and outdoor advertising**

to the

**House of Representatives**

**Standing Committee on Social Policy and Legal Affairs.**

**Parliament House**

**Canberra ACT**

**Email: [spla.reps@aph.gov.au](mailto:spla.reps@aph.gov.au)**

from

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**8th March 2011**

**Kids Free 2B Kids** is committed to creating standards of responsible advertising and merchandise sensitive to the impacts on children.

KF2BK is in alliance with The Australia Council on Children and the Media and supports the legislative and regulatory measures proposed in ACCM submission.

It remains a major concern to KF2BK that the public is involuntarily exposed to billboard images and children are held captive. There is no choice.

Children are bombarded with adult sexualised imagery.

Parents want to be able to discuss their children's naturally emerging sexuality and the concepts of adult sexuality at age appropriate times. They do not want their children exposed to too much too soon.

Children are forced to deal with adult concepts of sex and sexuality before they are psychologically and emotionally ready.

Many of the images displayed in the public domain would not be deemed acceptable in the work environment. Sexual harassment laws do not apply to the public arena. This is unacceptable

### **Impacts on Children.**

According to Dr Joe Tucci, CEO Australian Childhood Foundation, and Professor Chris Goddard, Director Child Abuse Research Australia, Monash University, the preponderance of sexualised messages is contributing to an increase in the number of children who are engaging in problem sexual behaviour with other children.

The Australian Childhood Foundation has pioneered therapeutic programs for children as young as seven years old who engage in problem sexual behaviour with other children (Staiger, 2005; Staiger et al, 2005).

Whilst the problem behaviour of a significant proportion of these children can be traced back to histories of abuse, neglect and disruption, it is Tucci and Goddard's clinical experience that approximately 20% of this population of children have evolved this behaviour without prior experiences to trauma.

In these circumstances, a contributing factor to the genesis of problem sexual behaviour is the increasing volume of sexualised imagery and themes available in popular culture and accessible to children.

Without access to explanatory frameworks for understanding these themes, children can engage in behaviour which enables them to test often distorted beliefs about sexuality. In doing so, they harm other children and complicate their own developmental trajectories.

(Joint submission to the senate inquiry into the sexualisation of children in the contemporary media environment.  
April 18 2008. Dr Joe Tucci and Professor Chris Goddard.)

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This submission includes excerpts from KF2BK submission to the Senate Committee on Environment, Communications and the Arts: Inquiry into the sexualisation of children in the contemporary media environment 2008.

KF2BK notes there have been numerous Australian inquiries, studies and books dealing with or including recommendations about billboard and outdoor advertising.

- Corporate Paedophilia. The Australia Institute. 2006
- Letting Children Be Children. The Australia Institute. 2006
- Media Code of Conduct working Group on Body Image. 2007
- Consuming Innocence - Popular Culture and Our Children. Associate Professor Dr Karen Brooks. 2008
- Sex in Public - Women, Outdoor Advertising and Public Policy. Dr Lauren Rosewarne. 2007
- The Portrayal of Women in Outdoor Advertising. 2002

### **The 2002 Portrayal of Women in Outdoor Advertising report states:**

But by far the images identified as the most problematic were images that are sexual and portray women as sexual objects. It was suggested by some that these types of images were bordering on the pornographic. There was a clear indication that these types of images caused the most concern in the community for a variety of reasons.

#### **Impacts on Community Perceptions of Women**

It was strongly suggested to the Committee that advertising perpetuates and reinforces stereotypes, encourages negative views of women's status in society, and fosters attitudes about women and sex that are less than positive.

It was also argued that advertising continues to promote images of women that promise sex to the viewer, and suggest that women are sexually available and are objects for sexual pleasure. There was a strong feeling that these images encourage perceptions that women are not only sexually available to men, but that they *want* to be sexually desirable to men.

The majority of female (72%) and male (64%) market research respondents agreed that the volume and type of imagery of women used in outdoor advertisements can impact on the way men view women. In addition, female (58%) and male (46%) respondents agreed that outdoor advertisements do not reflect the contribution women make to the community.

**"Women's interaction with men is also influenced by what young men have learnt about women through the media and advertising. A man who swallows the advertising industry's line that women are mere sexual objects is unlikely to form respectful, equal relationships with women, or treat women with whom he comes into contact as equal human beings."**

**S McBratney, National Union of Students' Women's Department**

## **Impacts on Women and Girls**

The impacts on women and girls as a result of certain portrayals of women in advertising identified most were negative self-esteem and body image. Over one third of the responses to the Committee's discussion paper suggested that women are pressured to try and achieve unrealistic goals in relation to their appearance, particularly their weight. Feelings of inadequacy, anxiety and poor self-esteem in women being reinforced by certain advertising images were also identified, and it was suggested that eating disorders, particularly in young women and girls, were related to the prevalence of unrealistic images of women in advertising.

The majority of female (69%) and male (57%) respondents to the market research agreed that the volume and type of imagery of women used in outdoor advertising has, over time, impacted on the way women see themselves. Around half of female respondents (51%), and over a third of male respondents (39%) were concerned about the impact of outdoor advertising on young women.

It was also asserted that women's safety can be compromised by images that are either violent and/or sexually explicit. Domestic and family violence as well as public violence are behaviours that were suggested as being caused in part by attitudes going unchallenged by, or being reinforced by, images of women in advertising.

**"Sexualization of women can lead to a high level of fear of assault or rape which may curtail women's freedom of movement."**

**M Burke, Valerie House Women's Refuge**

Other impacts identified included: health impacts, such as mental health issues (including depression); a failure to recognise women's contributions and a restriction of women and girls' life choices; the encouragement of sexual behaviours in young women; and a general reinforcement of gender-role stereotypes.

## **Guidelines / Standards**

The development of guidelines and/or standards was a popular strategy identified, and suggestions included:

- Developing guidelines for advertisers in consultation with the community that consider the issues such as the portrayal of women and the possible harmful effects of advertising images on the community, especially children;
- Creating guidelines that comply with decency, honesty, integrity and reality;
- Developing guidelines for advertising materials in any public spaces;
- Ensuring that all outdoor advertising is suitable for general exhibition;
- The development of a detailed Code of Ethics, such as those of Advertising Standards Canada, with detailed guidelines on the portrayal of [women] with relation to unnecessary sexualization, gender role stereotypes, objectification, diversity of race, diversity of sexuality, and violence. The adoption of this Code by any regulatory body, whether industry or Government administered;
- Establishing a Code of Practice for advertising generally, and in this case particularly for outdoor advertising, that will establish guidelines for the portrayal of women;
- A process to ensure an advertiser is publicly accountable for following the code [of ethics];
- The adoption of protocols/procedures to enforce the Advertiser Code of Ethics; and
- A forum for media owners and advertisers, the AANA, AFA, and consumer groups to discuss and develop agreed guidelines.

## **Recommendations.**

None of the recommendations from this 2002 report have been acted on.

**Recommendation 9: \***

That a constructive dialogue with the Advertising Standards Board (ASB) be established to discuss issues in relation to the Board's processes for dealing with consumer complaints about advertising in general, and in particular the portrayal of women, as well as ways to raise awareness in the community of the existence of a complaints-handling system for advertising.

Regarding recommendation No 9, it needs to be said that groups such as Kids Free 2B Kids, The Australia Council on Children and the Media, and Collective Shout have done more to educate the public about the complaints system than the ASB.

Little to nothing, in real terms, has been done about the portrayal of women in advertising.

The culture of complaining about inappropriate images in the public sphere appears to have shifted in recent years. There is an increasing groundswell of people willing to speak out.

The issue of sexualisation of children has changed from the perspective of 'moral outrage' to one of mental health and wellbeing. Rightly so.

People have frequently reported not knowing how, or where to complain, or concerned they would be branded a prude or a wowser for speaking out.

There are still no specific guidelines in the code of ethics that offer comprehensive and research based guidance to the ASB regarding the portrayal of women.

Decisions are based on the individual board members interpretation of a narrow code.

[http://www.aana.com.au/advertiser\\_ethics\\_code.html](http://www.aana.com.au/advertiser_ethics_code.html)

To reiterate - the 2002 report suggested the development of guidelines and/or standards including:

- The development of a detailed Code of Ethics, such as those of Advertising Standards Canada, with detailed guidelines on the portrayal of [women] with relation to unnecessary sexualization, gender role stereotypes, objectification, diversity of race, diversity of sexuality, and violence. The adoption of this Code by any regulatory body, whether industry or Government administered;

The Committee formed the view that government should play a leading role in the implementation of such guidelines.

Kf2BK recommends the Standing Committee on Social Policy and Legal Affairs review the 2002 Victorian Government Gender Portrayal Guidelines for Outdoor Advertising.

[http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Commstoolswomenoutdooradvertising/\\$file/Women%20in%20advertising%20outdoor.pdf](http://www.dpc.vic.gov.au/CA256D800027B102/Lookup/Commstoolswomenoutdooradvertising/$file/Women%20in%20advertising%20outdoor.pdf)

## **Sex in Public.**

KF2BK also recommends the committee reference Dr Lauren Rosewarne's book 'Sex in Public'. Published Sep 2007

The synopsis states:

Despite decades of feminist awareness and activism, women continue to be portrayed in outdoor advertising in a limited and sexist manner. The fact that in public space audiences are exposed to such images without choice, renders the issue an important public policy concern.

This book criticises sexist outdoor advertising as a form of sexual harassment given that imagery often bearing very strong semblance to pin-ups which would be outlawed in a workplace are readily displayed in public space, reflecting a troublesome public policy double standard. Understanding sexist outdoor advertising as a form of sexual harassment is a new framework that Sex in Public offers to understand, critique and condemn such images

## **The Australian Association of National Advertisers, and the Advertising Standards Board.**

KF2BK believes that the current AANA code of ethics – particularly section 2.3 Sex and Sexuality are too limited. They are also focused on what might be seen as 'offensive' rather than what might be harmful - particularly in relation to children.

*Sec 2.3 - Advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate the relevant program time zone*

If the system is to work - there needs to be precise guidelines about what sort of images are appropriate for general exhibition in the public domain - with consideration that there is no 'relevant' audience. People who are *not* in the target market or 'relevant' audience cannot switch off a billboard. There is only one audience for billboards - the whole population. We are a 'captive' audience.

When reading the ASB comments below, the only criteria for an ad to be pulled from the public domain, seems to be if a females 'nipples' or 'genitalia' are exposed.

### **Examples of ASB comments:**

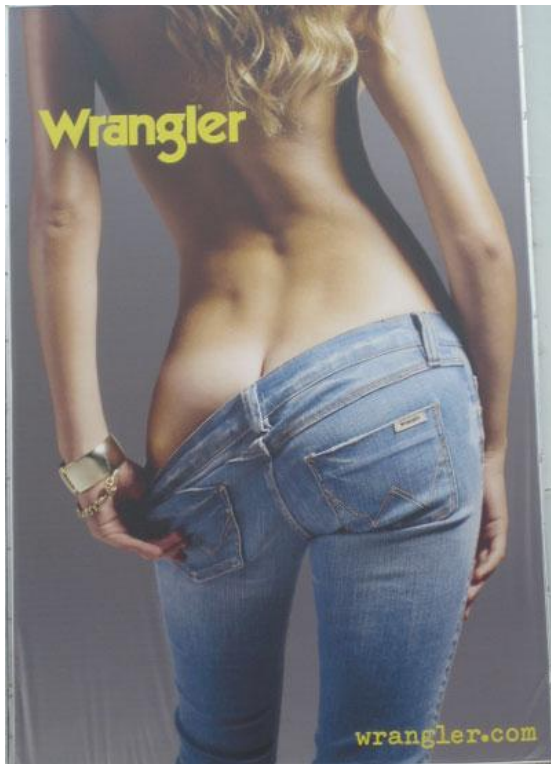
(from 2008 KF2BK submission into the sexualisation of children)

- The Board considered that the man & woman were posed in a slightly sexual manner, but noted that neither of the subjects' genitalia or breasts were visible....and does not breach section 2.3 of the code.  
Complaint dismissed.

- The Board considered the image of the woman in the advertisement, and noted that the breasts were largely covered. The Board agreed that the image of the woman, while suggestive, was acceptable.  
Complaint dismissed.
- The Board considered the image of the women's chest in the advertisement, and noted that her nipples were covered by stars.  
Complaint dismissed.
- The board noted that the advertisement contained no nudity, but it did note that the close-up of the women's crotch was confronting.  
Does not breach sec 2.3 Complaints dismissed.
- The Board noted that the lower body nudity (of the woman) was concealed by 'strategic shadows' and that the woman's genitalia and breasts were not visible.  
Does not breach sec 2.3 Complaints dismissed.
- The Board agreed that while the advertisement was sexually suggestive, it also contained a playful play on words that, when coupled with the fluffy toy, detracted from the impact of the sexual element of the ad.  
Does not breach sec 2.3 Complaints dismissed.
- The Board considered the image of the woman in the advertisement and noted that her breasts were largely covered. The board agreed that the image of the woman, while suggestive, was acceptable. Does not breach sec 2.3 Complaints dismissed.
- The Board noted the depiction of two naked women in the advertisement...(and noted) that most of the breasts and genitals of the two women are covered and that their pose is mildly sexual. The Board did note that the genitals of one woman were partly exposed, with it appearing that the women had removed her pubic hair. Although the women were scantily clad, the board did not consider that their pose was overtly or inappropriately sexual. Does not breach sec 2.3 Complaints dismissed.

The limitations of sec 2.3 means that no matter how many complaints are received, the following advertisements will continue to be permitted in the public domain:







#10

**DRINK SPRITE.  
LOOK SEXY.\***

\*YOU MUST BE SEXY FIRST.

STRAIGHT UP REFRESHMENT

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THIRSTFORTRUTH.COM.AU

www.apnoutdoor.com.au

0172001

**APN**

JCDecaux

THE GIRLS ARE  
BACK AT WORK

*Satisfaction*  
Season 2

JCDecaux

FOR A TOUCH OF  
LUXURY NIKKI WEARS  
U BY KOTEX PLATINUM  
TAMPONS.

U by Kotex Platinum









Billboards are often designed to be provocative . The industry like to use the words, edgy, irreverent, ironic and humorous when defending their ad's. Those who don't 'get it' are seen as old fashioned, hysterical, moralising prudes, or people who can't talk about sex with their children.

'Getting it' or being in the 'target market' somehow legitimises the advertisement.

## Brothel Advertising.



This billboard advertising a brothel was on a busy road around the corner from a primary school.

### ASB Determination:

- The Board was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive. Does not contravene the provisions of the code relating to the portrayal of sex, sexuality & nudity. (sec 2.3)

A similar billboard near a primary school, advertising a brothel, featured a black background with red lips and 'The G'(rosvenor) in red bold type. The phrase 'Got the urge? Do it now' appeared with contact details.

### The Advertiser said:

*'It is acknowledged that the billboard advertisement is located in a route for school children before and after school. To claim that this creates a problem is naïve. Such a claim ignores the valuable educational role played by advertising, and in this instance will assist in helping to debunk misconceptions that are frequently held by some members of our community with regard to lawful prostitution'.*



## Kittens School of Striptease Bus. Case study.

KF2BK acknowledges that since 2008, the ASB has had a change of board members and internal research showed they were out of touch with community standards regarding sex, sexuality and nudity.

Awareness about the impacts of sexualisation of children have been consistently raised since The Australia Institutes Corporate Paedophilia report in October 2006.

Some recent comments from the ASB show an acknowledgement of the issue

For example in 2005 the ASB dismissed a large number of complaints about the Kittens School of Striptease bus advertisement. Deliberation case no 278/07 Oct 05.

Many people were concerned about the impact on children because it was visible on a major intersection at the Kittens bikini carwash.



The 'Kittens School of Striptease' bus advertisement sits on the corner of a major intersection in Melbourne in full view of passing traffic. It is parked next to the Kitten's Bikini girl carwash. A young lawyer who sits on the local council received over 1000 complaints from her constituents about this advertisement

According to the ASB:

- The Board noted that the pictures on the side of the bus did not portray any nudity.
- The Board considered that the images were not overly graphic in that they did not expose the breasts or genitals in anyway.
- The board found that the depiction did not contravene the provisions of the code relating to the portrayal of sex, sexuality or nudity.
- Complaints about the Kittens 'school of striptease' bus advertisement were dismissed by the ASB.
- The Board was of the opinion that the images used in the advertisement were relevant to the product being advertised.

**In 2010, KF2BK requested that the ASB revisit the complaints.**

ASB ID: 34909 27/7/10

Kids Free 2B Kids requests that the ASB revisit the many complaints made about the Kittens School of Striptease carwash bus advertisement in 2005.

In the original deliberation:

*The Board noted that the pictures on the side of the bus did not portray any nudity. The Board considered that the images were not overly graphic in that they did not expose the breasts or genitals in any way.*

*It is absurd to say that the image does not expose the breast in any way. Please take another look.*

*The Board was of the opinion that the images used in the advertisement were relevant to the product being advertised.*

What is the 'product' being advertised? The women who are strip teasing at the 'Kittens School of Striptease'? Or is the 'product' the Kittens Venue itself?

*The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex, sexuality or nudity.*

*Sec 2.3 - Advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate the relevant program time zone.*

The bus and vehicles adorned with the sexualised image are parked or driven around the streets at all times during the day. This means that children are constantly being involuntarily exposed to an objectified and sexualised image of a woman. The advertisement is for an adult venue and the website advertised in large letters leads to an unrestricted adult website.

One of the vehicles with the 'Kittens school of striptease advertising' was seen parked at a kid's soccer training event.



Who is the 'relevant audience'? It is certainly not sensitive to young people. This is not about being hung up about a naked or semi naked body. It is also not about being similar to a woman in a bikini on a beach. It is about intent and context. The woman is deliberately sexualised because of the 'product' being advertised. (at the very least we can assume the product is the Kittens school of striptease) The woman's body is further sexed up by being oiled and her back arching. It would be ridiculous to suggest that this is not a sexualised image.

Since the original deliberation was handed down 5 years ago – there has been significant emphasis on the impacts of the premature sexualisation of young people. The board is well aware of what child development experts and increasing research report on the issue – including the recent UK home office report.

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**In Aug 2010, the ASB upheld the complaint stating:**

- The Board noted that the images of a woman lying down is relevant to the advertised product or service.
  - The Board noted that the advertisement depicted a bikini clad woman lying down with her back arched and her head turned away from the viewer.
  - In the Board's view this depiction is a sexually suggestive and sexualised image.
  - The Board considered that although the woman was not naked, she was clothed revealingly and a significant portion of her breast is visible.
  - The Board considered that the image in the advertisement is sexualised and the size and repetition of the advertisement means that it is clearly available for viewing by a broad audience.
  - In the Board's view the overall impact of the advertisement is sexually suggestive and brings the issue of sex to all who see it, including children.
  - The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and therefore breaches section 2.3 of the code.
  - Finding that the advertisement was in breach of section 2.3 of the Code the Board upheld the complaint.
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**Curious what a difference 5 years makes to the same image.**

**2005**

- The Board considered that the images were not overly graphic in that they did not expose the breasts or genitals in anyway.

**2010**

- The Board considered that although the woman was not naked, she was clothed revealingly and a significant portion of her breast is visible.

### **2005**

- The board found that the depiction did not contravene the provisions of the code relating to the portrayal of sex, sexuality or nudity.

### **2010**

- In the Board's view this depiction is a sexually suggestive and sexualised image.
- The Board considered that the image in the advertisement is sexualised and the size and repetition of the advertisement means that it is clearly available for viewing by a broad audience.

### **2005**

There was no consideration about the impact on children in the 2005 deliberation - despite many concerns in the complaints about children being exposed to the image.

### **2010**

- In the Board's view the overall impact of the advertisement is sexually suggestive and brings the issue of sex to all who see it, including children.

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## **Community Standards.**

The 2010 Kittens report also states: Advertising standards procedures allow the board to reconsider a case after 5 years to allow for changes to community standards.

The 2010 decision to uphold the complaint about the Kittens image seem more about the opinions of the Board than community standards. The image was the same and yet the board members had changed.

With a 'majority rules' approach from the Board - the system is questionable.

Deliberation and decisions should be based on research, science and consultation with child development professionals - not on community standards.

According to the 2008 senate inquiry into the sexualisation of children - the ASB has never consulted with child development professionals when deliberating on complaints related to children's exposure to an advertisement.

According to the ARC funded research titled *Investigating community standards for ethics in advertising* - there is no objective definition of 'community standard' present in the academic literature nor the regulatory environment.



**Investigating community standards for ethics in advertising**

Funding: ARC Discovery, \$140,000  
Chief Investigator: Sandra Jones

**PROJECT OVERVIEW:**

In Australia, consumer complaints about advertising are adjudicated by the regulator with regard to 'prevailing community standards'. However, there is no objective definition of 'community standard' present in the academic literature nor the regulatory environment.

It's worth noting that slavery and wife beating were accepted community standards in the past.

It is also worth noting that even though the ASB upheld complaints about the image on the Kittens school of striptease bus, the owners continue to display the image on a number of other vehicles.

The ute pictured below has replaced the bus which displayed the same image.

In a second ruling the Board upheld complaints about the image on all vehicles.

This ute is frequently parked at the Kittens Car Wash on the cnr Warrigal and North Roads, Oakleigh Victoria as recently as Monday 7/3/11.

The owners know the image is not allowed in the public space - what are the penalties for continuing to ignore the ASB?





The owners informed the ASB that the bus was in storage, however the 'storage' is open aired and the bus continues to be viewed by passing traffic everyday in South Rd Moorabbin, Melbourne.

**Storage:** Busy road - open aired. Still an effective Billboard.



## Sex Sells





## KF2BK complaint against Diesel Clothing Australia.

### Case Report

1	Case Number	0360/10
2	Advertiser	Diesel Clothing Australia
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	25/08/2010
6	DETERMINATION	Dismissed

#### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

#### THE COMPLAINT

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

*Whilst not strictly a Billboard - that is the nearest category to choose from your options. Kids Free2B Kids is complaining about these images because of the adult sexualised images and text. The target market may well be for older teens or young adults – but it is displayed in the public arena and at children's eye level.*

*Children are therefore held captive to these images and are involuntarily exposed. It is also significant that there is a kindergarten and day care centre in the street this ad features. Many of the parents at these centre's are upset by the images which they see as totally inappropriate for their children and their siblings.*

*The response from Diesel head office when contacted by one of the parents is typical of the industry. The response was condescending and lacked awareness and understanding about the impacts of the early sexualisation of children.*

*Sherri a mother of 7 and 5 yr old girls was taking the youngest to Kinder with the eldest in tow and was confronted with questions pertaining to the above slogan.*

*Sherri feeling that this billboard was inappropriate contacted Diesel head office to air her concern. After being handballed a couple of times she was put in contact with who they felt were the appropriate party to handle this type of issue.*

*Bernard from head office returned Sherrie's call saying, whilst laughing.... "It should be seen as opportunity to discuss sex and sexual issues with your daughter and she should be open-minded and take it with a grain of salt. We don't want censorship in Australia."*

*Bernard appeared to find the whole issue both very amusing and a positive reflection on the overall campaign. He then proudly informed Sherri that ... "we're just about to start another great marketing campaign called 'that's stupid.'"*

*Sherri quite shocked by the lack of respect and empathy combined with Bernard's amusement and dismissive approach to her genuine concern was left speechless.*

*Kids Free2B Kids would like to see industry - advertisers marketers retailers etc proactively responsible about what kids are exposed to in the public arena. The images in combination with the text are not appropriate for kids viewing.*

**The ASB dismissed the complaints stating:**

- The Board noted the complainant's concerns that the advertisements contain adult sexualized images and are inappropriate for viewing by children.
- The Board noted that the images are displayed in the window of the shop and so are visible to children and other passers-by as well as to the customers of the shop.
- The Board considered the images and noted the playful tone of them.
- The Board considered the images to be relevant to the product being advertised and to the tagline of the advertisements.
- The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the code.
- The Board dismissed the complaint.

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**Calvin Klein. Community action.**



<http://melindatankardreist.com/2010/10/calvin-klein-billboards-glorifying-violence-against-women-removed-today>



### 7.30 Report January 2001

SUSAN HALLIDAY, FEDERAL SEX DISCRIMINATION COMMISSION:

There are people out there who are saying, "Enough is enough and it's now gone too far." It's almost a challenge to see who can get the most provocative ad up on billboard, because guaranteed there will be a furore, and many an advertiser or particular company that's commissioned that ad is going to see that as an advantage.

SHERRYL GARBUTT, VICTORIAN WOMEN'S AFFAIRS MINISTER:

Outdoor advertising seems to have slipped through the net.

<http://www.abc.net.au/7.30/stories/s235212.htm>

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#### What the f\*#k is muk?

Upheld complaint.

This campaign highlights a system that does not work. The ad ran for over a month and was pulled because of the end of the campaign - not because the complaint was upheld. A system that works in favour of the advertiser.





ADVERTISING  
STANDARDS  
BUREAU

Level 2, 97 No  
Plc (02) 6262 9  
[www.adstanda](http://www.adstanda)

## CASE REPORT

1. Complaint reference number	404/09
2. Advertiser	Australian Hair & Beauty Imports (MUK)
3. Product	Toiletries
4. Type of advertisement	Print
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 9 September 2009
7. DETERMINATION	Upheld – discontinued or modified

## 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 complainants’ concerns that the image of the man was inappropriately sexual for viewing by children and that the language accompanying the image is also inappropriate.

The Board noted that the man in the poster appears to be naked and draped only in a towel. The Board considered that the positioning of the towel meant that most of the man’s body was exposed, with the exception of his genitals, with one of his hands partly under the towel. The Board noted that the nudity of the man was not relevant to the product advertised – hair styling products. The Board considered that the positioning of the man was sexualised and was made more so by the accompanying text ‘wanna muk’ which is suggestive of sexual or intimate behaviour. The Board noted that the posters were displayed in store windows which could be seen by a diverse range of people passing the store (which included children). The Board considered that the sexualised nature of the image was not appropriate to the likely audience and that the advertisement did breach section 2.3 of the Code as it did not treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board noted that the other two posters contained only words ‘what the muk’ and ‘what the f\*#k is muck?’. The Board considered that these posters, containing only words, were not sexualised, did not contain language which was strong or obscene and did not breach section 2.5 of the Code.

Finding that the advertisement breached the Code, the Board upheld complaints.

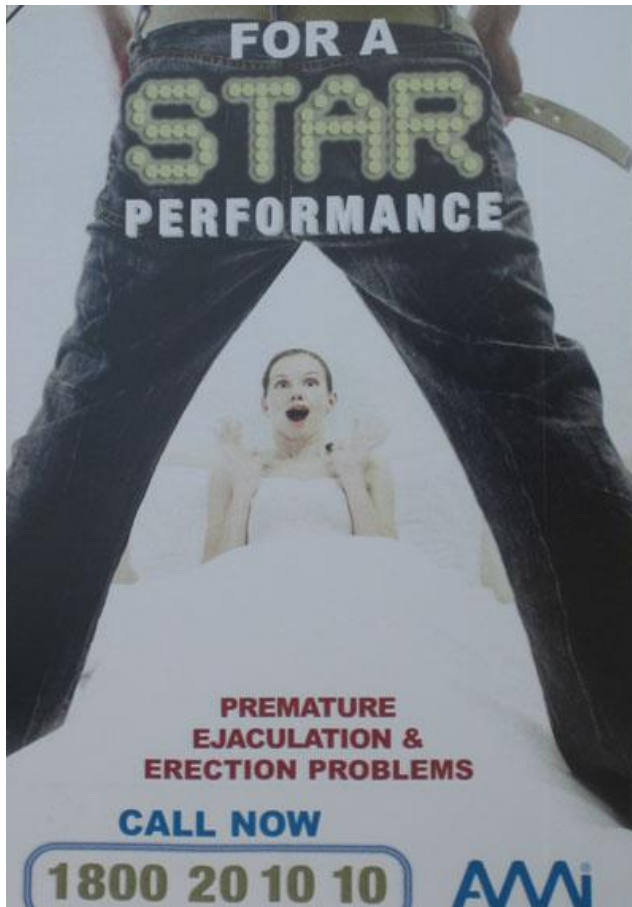
## ADVERTISERS’S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*We accept the board’s decision and as discussed with ASB have contacted all outlets displaying the poster and instructed them that the poster must be removed from their windows immediately.*

*We have advised our stockists that the poster may be displayed inside the actual salon/store, however not in a window where visible to the passing public.*

From KF2BK 2008 Submission into the sexualisation of children.



This advertisement features an image of a female who 'looks' no older than 14 - 15 yrs of age.

**The advertiser said:**

*There is nothing explicitly sexual about the ad.*

*There is no inappropriate display of breasts, or any other sexually explicit body parts displayed.*

*The ad is designed for adults and I fail to see how a child of 5 or 6 who cannot read could see this ad as anything more than a man in jeans. '*

**The ASB** noted the complainant's comments that the advertisement was inappropriate for children.

The Board noted that the advertisement contained no nudity and was not sexually explicit.

It **agreed** that the advertisement was in **bad taste**.

The Board accepted the argument that children were unlikely to understand the advertisement.

On balance the board felt the advertisement did not treat sexuality insensitively enough to warrant the advertisements removal from billboards. Complaints dismissed.

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## More on sex industry advertising.



**Herald Sun Article – 25<sup>th</sup> August. 2008**

**AN adult superstore is under fire for using Father's Day to promote its products on Melbourne's billboards.**

The billboards depict a cartoon superhero with the words "Sexy Man" across his chest and the blurb "Super ideas for Father's Day".

The [Advertising Standards Bureau](#) has received at least one complaint.

Australian Family Association president Angela Conway said the ads were aimed at children.

"Given they are using the superman image reinforces that they are targeting kids or, at the very least, are recklessly indifferent to the impact the signs would be having on parents who try to mediate what their kids are exposed to," Ms Conway said.

"These type of sexualised messages should not be allowed in the public domain."

But Sexyland spokeswoman Rebecca Grech said the ads were aimed at couples.

"It's primarily targeting women who want to reward their partner for being a great dad," Ms Grech said.

"We are not saying this is what you should buy your dad."

The ASB is expected to rule on the ads this month, but CEO Alison Abernethy said they were likely to be cleared.

"This is not advertising to children because it's for adult products," she said.

"We will consider the complaint under the code of ethics . . . but we tend to see a lot of cartoon-type advertisements that are aimed at adults."

## **Kids Free 2B Kids complaint to ASB re Sexyland Outdoor Billboard Aug 2008**

### **Reason for Concern:**

Whilst this advertisement may not have been intended for children - without a doubt the colours, cartoon character and words 'Father's Day' will incite viewing from a young audience.

Once again children are involuntarily exposed to inappropriate advertising. There continues to be a general lack of understanding of the harmful effects on children. Children's attention does not need to be drawn to an adult sex store.

This billboard is particularly insidious considering the amount of sexual abuse in the community. One in 3 girls and one in 5-7 boys will experience some form of sexual abuse before the age of 18. Most sexual abuse occurs within families or by people who are known to the child.

This includes fathers.

Advertising Fathers Day for a sex shop is utterly unacceptable.

I notice that the ASB has upheld complaints about the AMI 'Want Longer Lasting Sex Billboards. This is a positive outcome, but I challenge the Board's comments that there has been a 'shift in community standards'.

I would assert that the community has been mobilised into speaking out about inappropriate advertising campaigns, by public debate about the sexualisation of children.

I urge the board to uphold complaints about this billboard.

25/09/2008

Dear Ms Gale

#### **Advertisement Complaint Reference 352/08 Sexyland**

The Advertising Standards Board viewed the advertisement and considered your complaint at its recent meeting. We have to advise you that the Board did not uphold your complaint.

#### **THE DETERMINATION**

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

The Board considered the application of Section 2.3 of the Code, relating to the treatment of sex, sexuality and nudity.

The Board firstly considered the relevant audience of the billboard advertisement. The Board agreed that the intended audience was adults, noting the description of the service advertised as an "adult department store" and agreeing that adults may purchase gifts for their partners on Father's Day. However, the Board also noted that the comic strip style design of the billboard could attract children's attention and the reference to Father's Day was an additional factor that could attract the attention of children.

The Board considered that the use of the word "sexy" in the store's branding and the superhero style character depicted could be distinguished from a reference to a sex act. The Board noted that the word "sexy" is in common usage in the Australian community and is often used in the context of appearance, without a basis in sex or sexuality. The Board agreed that the advertisement was in poor taste, but determined that it was not contrary to the provision on the portrayal of sex, sexuality and nudity.

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

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Feb 2008



<http://www.brisbanetimes.com.au/news/queensland/sexpo-billboard-too-close-to-school/2008/02/11/1202578664878.html>

Feb 2010



<http://www.brisbanetimes.com.au/queensland/sexpo-billboard-too-sexy-for-ipswich-20100203-nbiw.html>

Nov 2010



<http://brimbank-leader.whereilive.com.au/news/story/sexyland-billboard-in-sunshine-slammed-but-standards-board-gives-green-light>



<http://melbourne-leader.whereilive.com.au/news/story/pleas-over-billboard-sleaze>



## Sexual dysfunction.



[http://www.news.com.au/crude-billboards-should-go-says-racy-author-mp/story-e6freon6-1225959696467?from=public\\_rss](http://www.news.com.au/crude-billboards-should-go-says-racy-author-mp/story-e6freon6-1225959696467?from=public_rss)

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## Outdoor Media Association's Code of Ethics.

### A contradicton:

"The OMA has ... developed a code of ethics which all members must adhere to. The code of ethics is a set of voluntary principles....

### Outdoor Media Association's Code of Ethics

Outdoor advertising is a medium that reaches almost every member of the community when they are travelling outside of their home. Outdoor advertising can be seen at any time of the day or night and cannot be turned off, fast-forwarded, put aside or be left unopened. This is why it is important for the industry to have its own *Code of Ethics* to ensure that it operates its business responsibly in the environment.

The Outdoor Media Association (OMA) has therefore developed a *Code of Ethics* which all members must adhere to. The *Code of Ethics* is a set of voluntary principles that defines the industry's standards for doing business with advertisers and regulators, and its responsibilities towards the community and the environment. They supplement the obligations that members already are required to comply with under existing law, including federal and state law, and are outlined below:

When the codes are voluntary, what are the penalties for not adhering?

### **KF2bK supports The Australia Institutes statement:**

"As different media (print, radio television) become less distinct due to technological advances, it will become increasingly desirable to bring all media regulation together in one statutory system. At this point a new opportunity to stop children's premature sexualisation will emerge. An all-encompassing office of media regulation could include a division with the primary responsibility of protecting children's interests in the contemporary media environment'.

The sustained public criticism of the sexualisation of children has had no apparent effect upon the practices of advertisers and markets.

Such an inadequate response to both public and professional concern about the increasing sexualisation of children suggests that the advertising and marketing industry is unlikely to restrain itself.

If Australians wish to reduce the potential for children to be harmed in a variety of ways by premature sexualisation, it seems that some sort of formal government restraint beyond existing regulation of relevant areas will be necessary."

*'Letting Children be Children - Stopping the sexualisation of children in Australia'*  
Emma Rush & Andrea La Nauze. The Australia Institute Dec 2006

### **Comments from the 2002 United Nations General Assembly on the World Summit for Children.**

- We reaffirm our obligation to take action to promote and protect the rights of each child – every human being below the age of 18 years, including adolescents.
- We stress our commitment to create a world fit for children...taking into account the best interests of the child...including the right to development.
- We hereby call upon all members of society to join us in a global movement that will help to build a world fit for children.
- **Put children first.** In all actions related to children, the best interests of the child shall be a primary consideration.
- In line with (the) principles and objectives, we (are) confident that together we will build a world in which all girls and boys can enjoy childhood – a time of play and learning, in which they are loved, respected and cherished, their rights are promoted and protected. without discrimination of any kind, in which their safety and well-being are paramount and in which they can develop in health, peace and dignity.

**Kf2BK Recommendations:**

- Screening and prevetting of billboards before they go into the public space.
- G-rating on all outdoor advertisements.
- Stronger and more precise code of ethics relating to:
  1. Representations of children in advertising including adultified and sexualised images.
  2. Children's exposure to adult sexualised content.
  3. Consultation with relevant child development professionals
  4. Representations of women in advertising.
  5. Objectified and sexualised images of women and men.
  6. Inappropriate text - not just images.