



**Submission to the
House of Representatives Standing Committee on Social Policy and Legal Affairs
Inquiry into the regulation of billboard and outdoor advertising**

February 2011

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Part one – introduction

The Australian Christian Lobby (ACL) congratulates the House of Representatives Standing Committee on Social Policy and Legal Affairs for conducting this long overdue Inquiry into the regulation of billboard and outdoor advertising. Thank you for the opportunity to make a submission to the inquiry.

ACL believes there are inconsistencies and flaws in the regulation of outdoor advertising in Australia that should be remedied. These inconsistencies allow advertisers to breach their own self-regulated codes without consequence, and with little remedy for a public concerned by the increasingly sexualised nature of the contemporary media environment.

The Outside Media Association (OMA) and all of their members commit to a code of ethics. This code includes a commitment from advertisers to adhere to the Australian Association of National Advertisers (AANA) Code of Ethics and the AANA Code for Advertising and Marketing Communications to Children in their display of outdoor advertising. The AANA Code of Ethics says that, “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

Further, the AANA Code for Advertising and Marketing Communications to Children states that:

- “Advertising or Marketing Communications to Children . . . must not include sexual imagery in contravention of Prevailing Community Standards”; and,
- “Advertising or Marketing Communications to Children . . . must not undermine the authority, responsibility or judgment of parents or carers”.

Given the fact that outdoor advertising is public, and that it can be reasonably assumed that a wide cross section of society, including children, will view such advertising, ACL maintains that OMA members breach their own codes of ethics every time a sexually explicit billboard is displayed. The display of sexual imagery, prominently located in public spaces with the intent of gaining brand or product exposure, clearly breaches prevailing community standards and undermines the authority of parents and carers to determine the suitability of viewing content for their children.

Consistent with the findings and first recommendation of the former Senate Standing Committee on Environment, Communications and the Arts’ Inquiry into the sexualisation of children in the contemporary media environment, ACL believes that, “the inappropriate sexualisation of children in Australia is of increasing concern . . . [and] preventing the premature sexualisation of children is a significant cultural challenge”. ACL considers that children are being sexualised through premature exposure to adult concepts.

Self-regulation within the outdoor advertising industry has failed to properly respect the best interests of children. Consequently, it is beholden upon various levels of government to take more seriously their responsibility to provide a safe environment for Australian children to grow up in a developmentally appropriate manner. All outdoor advertising should therefore be suitable for general exhibition.

Part two – examining the issue

Unlike films and computer games, billboards are not vetted by an external regulator before they are introduced into the public arena. Also unlike films and computer games, parents are unable to assess the appropriateness of outdoor advertising for their children before they are exposed to it. Parents rely entirely on advertisers to not display in public advertising that is inappropriate for minors or offensive to community standards. This is a major concern because internal research conducted by the Advertising Standards Bureau (ASB), which supports the advertising self regulation system, shows that it is out of touch with community standards when it comes to sex, sexuality and nudity.

The ASB's most recent research on community perceptions of sex, sexuality and nudity in advertising showed that a majority of women surveyed found objectionable a number of advertisements that received complaints that were subsequently dismissed by the Bureau.¹ This continues a trend of the advertising industry to lead, rather than reflect or respect, community standards, with the ASB admitting in an edition of its publication 'AdStandards News' that "in relation to the portrayal of sex, sexuality and nudity, previous research (2006) concluded that the community was more conservative than the Board".²

The ASB continues to ignore community concerns about the portrayal of sex, sexuality and nudity in advertising. Two of the four billboards on the list of most complained about advertisements of 2010, on the basis of sex, sexuality and nudity, had their complaints dismissed.³ Despite the growing display of sexualised imagery and sex in advertising, most complaints continue to be dismissed, serving to normalise the sexualisation and objectification of women, in particular. Unless an actual nipple or genitalia is displayed, it seems that no boundary is deemed to have been crossed.

Advertisers and the ASB must take greater care to respond to community concerns over sex, sexuality and nudity. For example, prevailing community standards would hold that advertisements for the sex industry and for sexuality-based services such as erectile dysfunction are unsuitable and unnecessary for children to view. However, billboards of this nature have proliferated in recent years as advertisers have deemed it appropriate to display sexualised imagery in public, seemingly because the image is relevant to the product or business advertised.

The adult industry is seemingly able to advertise with little restraint. Outdoor advertising of the sex industry appears counter to concerns raised in ASB research that children should not be exposed to certain types of sexually themed advertising because it "prompted [them] to ask questions of their parents that are not desired".⁴

All of these issues raise two important points.

Firstly, Australian children are routinely exposed to inappropriate material in outdoor advertising. The major concern regarding outdoor advertising is the lack of choice to view. Unlike television or

¹ Colmar Brunton Social Research (2010), *Research report: Community perceptions of sex, sexuality and nudity in advertising*, Advertising Standards Bureau – see Table 5, p. 17

² Advertising Standards Bureau (2009), *AdStandards News*, 11, p. 2, http://www.adstandards.com.au/storage/5d0e372a3a8f55cecaae349e53be699e.AdStandardsNewsletter_1109_final.pdf

³ Advertising Standards Bureau (2010, December 14), Media release: 'Most complained about ads for 2010', <http://post.cre8ive.com.au/t/ViewEmail/r/CCB9053E36AFD998/C67FD2F38AC4859C/>

⁴ *Community perceptions of sex, sexuality and nudity in advertising*, p. 3

magazines, outdoor is a communications medium that cannot be ‘turned off’. It cannot easily be avoided whilst travelling in the car, or walking along the road, for example. Outdoor advertising, constantly and entirely, is in the public domain.

By its very nature outdoor advertising is a public broadcast medium, and because it is static, can be examined more closely by members of the public. It is not possible to filter those who see the advertising and there is no opportunity for members of the community to exercise choice to not see it. This means that, unavoidably, children are also exposed to the material.

Secondly, billboard 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. In fact, many of the images in outdoor advertising would be deemed sexual harassment if they were in an office or work space. Five recent examples follow.



Sexpo ad – Brisbane Road, Dinmore, Ipswich, Qld, February 2010



World's Thinnest Condom – Melbourne, January 2008



Gasp jeans – across Victoria, December 2009



Calvin Klein jeans – half a dozen across the country in September 2010, this one from Melbourne



Kittens Nightclub – Cnr Warrigal and North Roads, Oakleigh, Vic, January 2010

Below are three further examples of inappropriate outdoor advertising placed in extremely inappropriate locations given the content.

Outdoor advertising example 1

Brisbane Boy's Grammar School, Gregory Terrace, Brisbane



For many months in 2010 a strip club in the Valley advertised directly outside this prominent Brisbane boy's school. The overtly sexual images advertising the "Two naughty bars" were offensive to parents and teachers at the school, but despite complaints, the ads remained and the boys walked to and from school every day past these huge images of women's breasts.

Outdoor advertising example 2

Bus shelters outside City Tabernacle Baptist Church and Brisbane Boys College, and others

In 2010 the television program *Vampire Diaries* was advertised on bus shelters around Brisbane with highly sexualised, very offensive imagery. (It seems incredible that in both the above case and this, that boy's schools have been targeted with this advertising.) In her private capacity, a now staff member of the ACL submitted complaints to the ASB about advertisements on two different bus shelters – one outside the City Tabernacle Baptist Church and the other outside Brisbane Boys College. The conflicting correspondence received in regard to these complaints is attached, and is a prime example of the dire need for an overhaul of the ASB.⁵

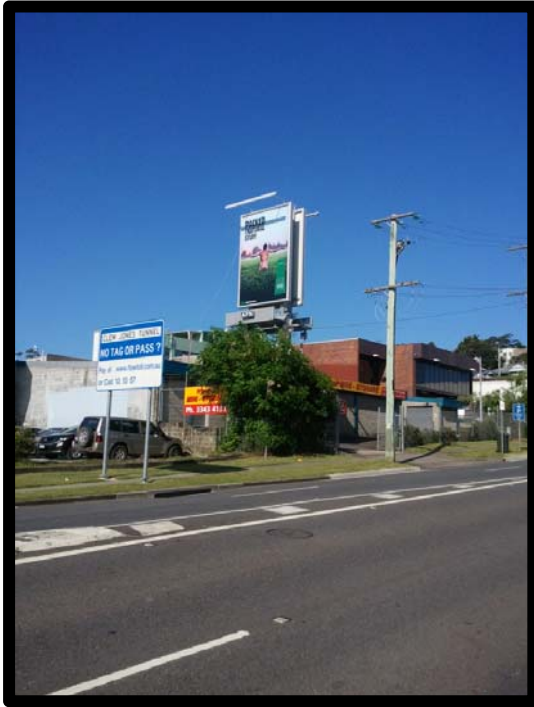
In the first instance the Advertising Standards Bureau replied, saying that this particular advertising fell outside of their jurisdiction, and that they could not assist with the complaint. A further complaint directed to the Brisbane City Council resulted in notification that the ASB was the only avenue of complaint. Further correspondence with the Advertising Standards Bureau resulted in a more detailed six page letter addressing the complaint, after the Bureau had obviously received additional complaints on the matter.



⁵ See Attachments A and B

Outdoor advertising example 3

Billboards with naked man – photograph taken on main road in Wilston, Brisbane on 18/01/2011



If the man on this poster had been standing on the side of the road in this manner, he would have been arrested for indecent exposure. It is doubly offensive to enlarge the man and place him up so high that everyone can see him.

Action taken

Due to the proliferation of sexualised outdoor advertising, a number of public initiatives have been undertaken to highlight the problem and encourage the industry to better reflect the standards of the community in its activities and deliberations.

Social networking

In March 2010 a Facebook group was formed called 'Outdoor Advertising Should be G Rated', which very quickly grew to over 5,700 members.⁶ The rapid growth and popularity of the group attracted the attention of the media and its author was interviewed on *Sunrise* and a number of radio programs, and on local television.

Forum

A forum was held in the Brisbane Parliamentary Annexe, bringing together specialists in the field of advertising (OMA CEO Charmaine Moldrich) as well as child psychologists, politicians and social activists.

⁶ <http://www.facebook.com/wendyjoyfrancis#!/group.php?gid=107095225981529>

Billboard

Funds donated through the Facebook group were put towards a billboard calling for Outdoor Advertising to be G rated. In the first instance it was not possible to find a billboard company to accept this artwork. Finally, after pressure from OMA, APN accepted the job.

Petition⁷

Following on from the billboard, a petition was commenced. This petition is still running and currently has over 5,000 signatures.

⁷ See <http://www.wendyfrancis.com.au/petition---outdoor-advertising-should-be-g-rated.html> for full text of the petition

Part three – recommendations

Since 1998, advertising in Australia has been governed by a voluntary system of self-regulation administered by the Advertising Standards Bureau. The system is funded voluntarily by the industry via the Australian Advertising Standards Council Ltd (AASC) which, according to the Bureau, “recognises that advertisers share a common interest in promoting consumer confidence in and respect for general standards of advertising”.

The system of self-regulation is designed to complement other systems of regulation in the advertising environment. This includes the classification of print and cinema material by the Classification Board; the regulation of television and radio advertisements through enforceable codes of practice (involving agencies such as FreeTV Australia and Commercial Radio Australia), under the auspices of the Australian Communications and Media Authority (ACMA); and, the regulation, through various State and Commonwealth agencies of fair trading and consumer affairs, of truth and accuracy in advertising.

Up until 1996 this structure was headed by the Australian Advertising Industry Council (AAIC). The AAIC was established in 1978 and consolidated the main elements of the advertising industry, including the Australian Association of National Advertisers (AANA), the Advertising Federation of Australia (AFA), and the Media Council of Australia (MCA). The complaint handling body in this system was the Advertising Standards Council (ASC).

In 1996, the Australian Competition and Consumer Commission (ACCC) decided to revoke the MCA’s accreditation system for advertising guidelines, because its complaint handling system was seen to be dominated by anti-competitive elements that outweighed the public benefits of the system. As a result, the MCA disbanded its system of advertising codes and regulation, including the ASC. Following consultation, the AANA then developed a three-part system of self-regulation in advertising, including the AANA Advertiser Code of Ethics, the Advertising Standards Board (ASB), and the Advertising Claims Board (ACB). At this time, it was noted that “the authority of [the ASB and ACB] rests on the willingness of advertisers to adhere voluntarily to ethical standards”.⁸

As evidenced by the outdoor advertisements highlighted in the submission, some advertisers have failed to voluntarily adhere to appropriate ethical standards for the display of outdoor advertising. A system to control rogue elements, especially repeat offenders is necessary. The ‘honour system’ is not working because there are no disincentives or penalties to discourage the display of offensive outdoor advertisements. In fact, placing an offensive advertisement, knowing that it will offend and draw both complaints and media exposure, will have achieved its objective of brand or product awareness. The damage caused to children due to premature exposure to harmful content, and offence caused to community standards, appear often to be secondary considerations.

Whilst our primary concern in this debate is to the detrimental effect this advertising is having on the innocence of children, there are other considerations, such as the impact that the over-sexualised representation of women has on our society, which is having a warping effect on both men and women and their perception of reality. The Office of Women’s Policy in the Victorian Department of Premier and Cabinet published a document on this issue, examining the impact of the sexualisation of women in outdoor advertising. The report included the following quote:

⁸ Australian Association of National Advertisers (1997), *Advertising Self Regulation: The Facts, The Figures, The Future*, p. 13

If the ASB continues to prove ineffective in improving the representation of women in advertising, the only alternative is for Governments to impose statutory regulations on the images used by advertisers, presumably with some kind of penalty imposed on those advertisers who breach the regulations. This would effectively mean an end to the 'self-regulation' of advertising and make the ASB as a voluntary body largely redundant.⁹

In conclusion, the Australian Christian Lobby recommends that:

- Outdoor advertising be brought into line with commercial television regulations, with all outdoor advertising to have a general classification (G); this would include shop windows, billboard and bus shelter advertising. The only exception to this may be educational advertising regarding drink-driving or smoking messages that may be deemed to be in the best interests of children.
- Questionable advertisements be assessed prior to entering the public domain, by an independent panel including appropriately qualified childhood experts and community representatives with the authority to analyse and assess advertisements to determine if they are acceptable for public display.
- Significant penalties/fines be introduced for billboard companies who do not comply with standards; fine should increase for repeat offenders.
- A national task force be established, following on from this inquiry within a short time frame, to report back to the House of Representatives on how to implement solutions and bring about effective change. This national taskforce must have access to the ASB, the OMA and the AANA, and be appropriately resourced for the task.
- Necessary changes be made to Australian law, as part of a revised rating model, to provide protection to the billboard industry itself.

This last recommendation is made on the basis that under current Australian law, when a client signs off on an advertising order, the billboard company enters into a contract to supply (ad space). If at any time they, or the ASB, decide that the copy is inappropriate and has to come down, the billboard company are in breach of contract to supply. Invariably they are then not paid by the client, who is able to commence legal action for breach of contract and any damages. Ironically there are cases where the same client can take the same artwork that was banned from billboards and have them printed up as in-store posters!

Thank you for your consideration of our views.

ACL National Office

February 2011

⁹ Community Action Against Sexual Services Advertising (CASSAA), cited in Portrayal of Women Advisory Committee (2002), *The Portrayal of Women in Outdoor Advertising*, p. 14, [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)



**ADVERTISING
STANDARDS
BUREAU**

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www.adstandards.com.au

**Mrs Wendy Francis
81 Cranbrook Street
MITCHELTON QLD 4053**

13 September 2010

1. Complaint reference number: **36195**
2. Advertiser: **GO TV**

Dear Mrs Francis ,

Thank you for your correspondence regarding a promotional advertisement for a TV/Radio program.

The Advertising Standards Board (the Board) considers complaints about advertisements which may breach one or more industry Codes. The list of Codes and issues covered by the Codes are available at <http://www.adstandards.com.au/pages/page16.asp>. Issues covered by the Codes include: discrimination or vilification of people; use of offensive language; inappropriate use of sex, sexuality or nudity; unjustified violence; and depictions that would breach community standards on health and safety. The Board also considers a range of issues related to advertising of motor vehicles, food and beverages, advertising to children and environmental claims.

Your complaint falls outside the scope of the Advertising Standards Board's responsibility because it is about a promotion produced by the broadcasting station to promote its own program. Such a promotion does not constitute an advertisement for the purposes of the Code of Ethics because there has been no payment or other valuable consideration involved in its placement.

You might care to express your concerns direct to the broadcaster. If you are not happy with the broadcaster's response, you should contact the Australian Communications & Media Authority at the following address:

Investigations Section

Australian Communications & Media Authority

PO Box Q500

Queen Victoria Building

SYDNEY NSW 1230

Or visit the website at <http://www.acma.gov.au>

We regret that we cannot assist you on this occasion. For more information about the advertising self-regulation system, please visit <http://www.adstandards.com.au>

With regards,

Daniela Gray/Nikki Paterson

Case Managers

Advertising Standards Bureau

complaint@adstandards.com.au



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www.adstandards.com.au

Mrs Wendy Francis
81 Cranbrook Street
MITCHELTON QLD 4053

9 November 2010

1. Complaint reference number: 0401/10
2. Advertiser: Channel Nine Go

Dear Mrs Francis ,

We refer to your complaint regarding the above advertisement.

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.

A copy of the case report reflecting the Board's determination is enclosed.

Please note that if you are dissatisfied with the determination it may be possible for you to request a review, within 10 business days of the date of this letter. Before submitting a request for review, please refer to the information about the Independent Review process. This will ensure that you have the right information to decide if you have grounds to make the request. This information is available on our website at

<http://www.adstandards.com.au/process/theprocesssteps/independentreviewofasbdeterminations>

Please consider completing a survey about your ASB experience at
<http://www.surveymonkey.com/s/8QXBRSE>.

Thank you for writing to us.

With regards,

Daniela Gray/Nikki Paterson

Case Managers

Advertising Standards Bureau

complaint@adstandards.com.au



Case Report

1	Case Number	0401/10
2	Advertiser	Channel Nine Go
3	Product	Media
4	Type of Advertisement / media	Poster
5	Date of Determination	27/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of a woman from her shoulders up, and the heads of two men. We cannot see any clothing on the woman, and she has her neck stretched so that her head is tilted back. Her eyes are wide open and she is staring in to the distance.

One of the men appears to be licking her neck, the other man has his mouth open but is not touching the woman, or the other man.

In the top left of the poster it says: "The Vampire Diaries season 2 Love Ssucks" and at the bottom right it says: "Go! Mon 8.30 Aussie first".

THE COMPLAINT

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

The advertisement located in very public places (e.g. public transport bus shelters) and viewed by people of all ages including young children shows two men about to violate a woman. The tone of the ad is predatory and shows a woman about to be physically attacked. I am very concerned and disturbed by the messages contained in this image and slogan. A friend's child aged 5 yesterday asked his mum what the men in the image were doing to the woman.

I am a school teacher and in my professional capacity believe the content to be disturbing especially for young minds. Any commercial advertising that suggests violence against women should be not be acceptable.

This advertisement is portraying a group sex situation and is totally inappropriate for young children to be seeing as if this is a normal thing and an acceptable behaviour. The particular bus shelter that I am complaining about is less than 6 feet from the entrance to the church which I attend with my grandchildren who are aged 6 5 3 and 2. They walk past the poster to go to their Sunday School. I am SICK of them being bombarded with sexualised images. The advertisement objectifies women as the victim of violence and the attitude of the men and the pose of the woman have a very sexual aspect to them. There is no conclusion you can reach when viewing this picture but that the woman is about to be attacked either violently or sexually (or both) by these two men. It sickens me that women are portrayed like this. I do not find it appropriate that children will see this. We must protect the innocence of young children. If there are going to be program classifications on TV with certain programs that are shown later at night so children will not see there needs to also be censorship on outdoor advertising.

This picture is not appropriate for display in a public place and certainly not in a railway station where men women and children (many school aged children use this train station) are forced to see it every day.

I don't know about similar advertisements in other railway stations but this is the advertisement that I walk past every day at my home railway station.

I am appalled that such sexually offensive advertising material is displayed in a public place. This is material that would be banned from any work place yet it has been put on display in a public place.

It is degrading of women and portrays blood sucking as acceptable or approved. It is offensive to men women and all human beings.

I find this offensive because it's highly sexualised and I don't want my children exposed to it. This advertisement has a particularly graphic image and is blatantly sexual in nature. It is highly inappropriate to be putting such a poster in such a public space on the footpath in bus stops where individuals little children and families walk past especially since the location of this poster is outside of a McDonalds Restaurant which is supposed to be family restaurant. I am sick of the use of sexual images in the media and advertising being used without any form of r. I find it highly offensive and makes me really uncomfortable so that I can't wait to get past it quick enough.

The imagery in this advertisement depicts a highly sexualised context and is utterly inappropriate as an outdoor billboard. No matter how carefully the advertiser has tried to pass this ad as acceptable it does not take away from the fact of what they are depicting in this ad and what the situation of the three persons in the advertisement is. What I mean to say is that there is no way that the image can be construed as anything other than a sexual interplay between the three characters.

I believe this advertisement is highly inappropriate for the outdoor setting where anyone can view it - especially children who developmentally are too young to be able to process this level of sexualisation - and contributes to the damaging visual environment that they are exposed to. This is exacerbated by the sheer coverage of this advertisement - you can see it everywhere you go in Sydney and I shudder to think of how we as adults continue to fail in protecting children in environments that they cannot be sheltered from. It is all well and good to schedule TV advertisements for certain timeslots and have classifications for programs but it is another to have no standards for the outdoor advertising we see.

I object to the picture and words "Vampire Diaries Love Sucks". Whether or not it applies to the TV programme it is not the sort of picture that we want outside our property at church or want our children to be looking at and reading.

1. Unhealthy depiction of women

2. Inhuman unnatural and unacceptable for human standard

3. Promoting violence

(1) It looks like soft porn (depicting a threesome) - highly inappropriate for a public space like a bus shelter

(2) It depicts a woman in a vulnerable highly sexualised position providing what I consider to be a highly negative and harmful depiction of gender relations and a woman's place in society (as a sex object).

THE ADVERTISER'S RESPONSE

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

I write in relation to your correspondence of 13 September 2010 in relation to a complaint received by Advertising Standards Bureau in relation to an advertisement promoting a program broadcast on GO! ('Nine'), "The Vampire Diaries" (the 'Advertisement'). You have asked Nine to address whether the Advertisement raises any issues under section 2 of the Advertiser Code of Ethics (the 'Code') or other Codes incorporated in it, such as the AANA Code for Advertising to Children. Nine is happy to respond to your request. At the outset, Nine maintains that having regard to the imagery and theme of the Advertisement and considering the Advertisement is for a program classified M, Nine maintains the Advertisement is clearly not "primarily directed at children" within the meaning of 2.4 of the Code. Consequently, in Nine's view, the Code of Advertising to Children does not apply.

Nine considers therefore that the only parts of the Code that are potentially relevant to the Advertisement are section 2.2 and 2.3. Section 2.2 provides: "Advertisements or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised"

Section 2.3, provides: "Advertisements or Marketing Communications shall treat sex, sexuality and nudity with sensitivity and, where appropriate, the relevant programme time zone"

Description of the Advertisement and the Program

The image used in the Advertisement is one of the official promotional graphics for the second series of The Vampire Diaries. The Program depicts the story of two vampire brothers obsessed with the same beautiful girl, and who are battling to control the fate of their town, Mystic Falls. In the Advertisement, the brothers are shown standing over a female who, in some iterations, is seen to be fully clothed. One of the brothers is depicted as kissing the neck of the female while the other is not shown making contact with the woman. The Advertisement contains the words "love sucks".

Compliance with Clause 2.2

Nine submits that the image in the Advertisement has a low visual impact in relation to violence. Nine notes there is no actual depiction of violence or strong sense of menace as is clear from the woman's expression, as she shows no signs of concern or distress, nor is there any depiction of vampire fangs suggesting she is in danger of imminent attack. Nine believes that the depiction in the Advertisement is justified by the context of the program and is in accordance with clause 2.2 of the Code. Compliance with Clause 2.3

To the extent the Advertisement contains a depiction of sexual activity, Nine believes the image is again low in impact. In Case Report 48/09, the Advertising Standards Bureau

determined that a series of bus shelter advertisements depicting a couple kissing in a pool with the text "a nasty piece of work" and a couple lying in a bed with the words "mind blowingly inappropriate", while sexually suggestive, were not explicit sexual references. Nine submits that the image in the Advertisement is comparable.

As stated above, in some iterations of the Advertisement, the woman is seen to be wearing a dress. Nine also maintains that it cannot be inferred from the image that there is any intercourse and to the extent there is any suggestion of nudity, it is low in impact and contains no detail or breast nudity.

On this basis Nine maintains that the Advertisement is not in breach of the Code.

Nine notes that the advertisement has since been withdrawn and Nine has no plans to re-introduce the campaign in the future.

THE DETERMINATION

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

The Board reviewed the advertisement and noted the advertiser's response.

The Board noted the complainants' concerns that the advertisement is suggestive of violence against women, portrays group sex, features a sexualised image and is inappropriate for display outdoors.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states: 'Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised'.

The Board noted that this advertisement for a television series features a close up of the heads of two men and one woman, accompanied by the text "The Vampire Diaries. Love sucks."

The Board noted the advertiser's response that there is no actual depiction of violence in the image. The Board noted that the woman in the advertisement does not appear unhappy with the situation she is in, and that although the accompanying text mentions vampires, there are no fangs and no images of blood in the advertisement.

The Board considered that the image was relevant to the product, and that the suggestion of violence in the advertisement is not of non consensual sex but of vampire activity and, as it is relevant to the product, does not breach section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that some complainants believed the image portrayed group sex. The Board noted that one of the men has his lips against the woman's throat, whilst the other man looks on. The Board considered that this image is sexualised however it is relevant to the product being advertised and the sexual nature of the pose is minimized by the vampire context of the

advertisement. The majority of the Board considered that most members of the community would consider the image to relate to the vampire theme of the television show being advertised, and not to a group sex situation. on this basis the Board determined that the advertisement does treat sex, sexuality and nudity with sensitivity to the relevant audience and does not breach section 2.3 of the Code.

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