



Case Report

1	Case Number	0390/17
2	Advertiser	Extasy Sex Shop
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	13/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This advertisement is on a sign outside the Extasy Sex Shop in Townsville and reads, "This 1906 building is being restored by Extasy with funds from three years worth of Townsville's orgasms."

THE COMPLAINT

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

It is not appropriate to to communicate to the general community of people of all ages (children included) That their shop refit has been funded by their customers orgasms. It is very crass, rude and inappropriate

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response to the complaint.

THE DETERMINATION

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

The Board noted the complainant’s concerns that the advertisement features sexual language which is not appropriate for the general community to view.

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

The Board 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 this advertisement is a sign outside a sex shop which says the building has been restored by the advertiser using funds from “three years [sic] worth of Townsville’s orgasms”.

The Board noted the placement of the advertisement outside the door of the advertiser’s premises and considered that the location of the shop is an area of clubs and bars and in the Board’s view it is not an area likely to be frequented by younger children.

The Board noted the use of the word ‘orgasms’ in the advertisement. The Board noted it had previously upheld a complaint about a transport advertisement featuring this word in case 0555/14 where:

“The Board noted that the text on the van reads: “women fake orgasms because they think men care...”

...The Board noted the advertisement uses the term, ‘orgasm’ and considered that this clear reference to a sex related topic is not appropriate for the back of a mobile van which is viewable by a broad audience...”

The Board acknowledged that some members of the community would prefer that sexual words such as ‘orgasm’ were not displayed in public. The Board noted that unlike in the previous upheld case, 0555/14, where the word ‘orgasm’ was written clearly on the back of a van in the context of a demeaning message about women, the current advertisement uses the word ‘orgasm’ in the context of a message about the restoration of a building. The Board noted the placement of the word ‘orgasm’ on a small billboard filled with text, where the main word in bold is the advertiser’s name, and considered that the word ‘orgasm’ does not stand out.

Consistent with a previous determination for an advertisement in a store window featuring the word ‘orgasm’ (0267/16), the Board considered that the style of the current advertisement, with lots of text and no imagery, would not be of interest or appeal to children were they to see the advertisement. Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children.

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.