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| COMPLAINT NUMBER | 19/030 |
| COMPLAINANT | J Perrone |
| ADVERTISER | Squirt, Pink Triangle Press |
| ADVERTISEMENT | Pink Triangle Press – Squirt, Out of Home |
| DATE OF MEETING | 12 February 2019 |
| OUTCOME | Not Upheld |

SUMMARY

The billboard advertisement in Wellington for an online dating service for gay men, Squirt.org, featured two men wearing unbuttoned shirts and a mobile phone showing a website. Wording in the advertisement states “Hookups = Squirt.org. Visit www.squirt.org to hook up today.”

The Complainant said the advertisement encourages the label and stigma that “all gays are horny.” They are concerned about the public placement of the advertisement and the impression it gives of the LGBTQ community. The Complainant also commented on the Squirt.org app which they say lists cruising spots for having sex in public and promotes unprotected sex.

The Advertiser and the Media said the billboard image of two men with open shirts, with no physical contact depicted is not offensive. The Advertiser and Media said the advertisement does not say all gays are horny or encourage public hook ups or unprotected sex.

The Complaints Board said the likely consumer takeout of the advertisement was that the billboard was promoting a dating application for gay and bisexual men.

The Board confirmed its jurisdiction was confined to the content and placement of the billboard. It agreed the content of the advertisement did not show anything which portrayed the men as promiscuous, nor did it refer to or promote sex in public places or unprotected sex.

The Complaints Board said the advertisement did not meet the threshold to cause serious or widespread offence and had been prepared with a due sense of social responsibility. The advertisement was not in breach of Basic Principle 3 of the Code for People in Advertising or Basic Principle 4 and Rule 5 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rule 5 of the Code of Ethics and Basic Principle 3 of the Code for People in Advertising.

Basic Principle 4 required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society.

Rule 5 Offensiveness required the Complaints Board to consider whether the advertisement was likely to cause serious or widespread offence.

Basic Principle 3 of the Code for People in Advertising required the Complaints Board to consider whether the advertisement portrayed people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant said the advertisement encourages the label and stigma that “all gays are horny.” They are concerned about the public placement of the advertisement and the impression it gives of the LGBTQ community. The Complainant also commented on the Squirt.org app which they say lists cruising spots for having sex in public and promotes unprotected sex.

The Advertiser’s Response

The Advertiser said the tag-line “Hookups =Squirt” used in the advertisement came from international focus group research. It said there is nothing offensive about the billboard image of two men with open shirts, with no physical contact depicted. The Advertiser said the advertisement does not say all gays are horny or encourage public hook ups or unprotected sex.

The Media’s Response

The Media company said that as part of its vetting procedures it requested a revised, more conservative image for the billboard advertisement than the one the Advertiser originally submitted. The Media company did not consider the advertisement promoted anything other than the dating app and the issues raised by the Complainant went further than anything portrayed on the billboard.

The Complaints Board Discussion

Consumer Takeout

The Complaints Board said the likely consumer takeout of the advertisement was that the billboard was promoting a dating application for gay and bisexual men. The Board took into account that online dating websites or apps were now a common way to meet people.

The Board acknowledged the term “hookup” was open to interpretation. It agreed that to some it would mean casual sexual encounters, but others would interpret it as a meeting or date. The Complaints Board said it did not follow that this wording in the advertisement meant all gay men were ‘horny’.

Does the advertisement cause serious or widespread offence on the ground of sexual orientation?

The Board considered whether the advertisement reinforced any negative stereotypes about gay or bisexual men and agreed the content of the advertisement did not show anything which portrayed the men as promiscuous, nor did it promote sex in public places or unprotected sex.

The Complaints Board said despite the unrestricted audience that may see the billboard, the image and wording did not meet the threshold to be likely to cause serious or widespread offence.

The Complaints Board acknowledged the Complainant's genuine concerns, but the advertisement promoted a legal product and the issues raised in the complaint about the content on the Squirt application were outside the jurisdiction of the Advertising Standards Authority.

Having considered the words and image in the billboard and its placement, the Complaints Board said the advertisement the threshold to cause serious or widespread offence had not been met. The advertisement had been prepared with a due sense of social responsibility. The advertisement was not in breach of Basic Principle 3 of the Code for People in Advertising or Basic Principle 4 and Rule 5 of the Code of Ethics.

Therefore, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The billboard advertisement in Tory Street, Wellington for an online dating service for gay men, Squirt.org, featured two men wearing unbuttoned shirts and an image of a mobile phone showing the website. The text says Hookups = Squirt.org. Visit www.squirt.org to hook up today."

COMPLAINT FROM J PERRONE

There's many reasons why this banner needs to be taken down. I've spoken to many others within the LGBTQ community and many many people feel the same.

The banner advertises a gay hookup app. The LGBTQ community have a terrible label and stigma that "all gays are horny". This is NOT true. it's a terrible stigma that we are trying to tear down and this banner doesn't help.

This app is an app designed to help people find local hookups IN PUBLIC. It has lists of cruising spots around the area where people can meet up and have sex in public. Places like gyms, parks, toilets etc. It's not only ILLEGAL (so it's shocking that it's advertised in public?) but it's also extremely dangerous.

Also this app advertises unprotected sex. HIV is on the rise in New Zealand and this app is a part of that issue.

This banner is EXTREMELY damaging to the LGBTQ community and we wish for it to be taken down. It's extremely harmful and in appropriate for this sort of thing to be advertised. I'm not against the app, I'm against this being advertised in such a public space. It's upsetting, hurtful, damaging and has caused a lot of homophobic comments and remarks towards myself and the LGBTQ.

I hope you can see where I am coming from. This sort of thing just takes back all the hard work we as a community has done to try and get rid of the terrible stigma.

CODES OF PRACTICE

CODE OF ETHICS

Basic Principle 4 All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 5: Offensiveness - Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

CODE FOR PEOPLE IN ADVERTISING

Basic Principle 3 Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

RESPONSE FROM ADVERTISER, PINK TRIANGLE PRESS - SQUIRT

Squirt.org is twenty years old this year and is actively promoted through print, online and outdoor advertising in numerous cities throughout the world, and our decision on where to advertise in a particular city is researched extensively. Squirt.org is a dating/hookup service targeted at gay and bi men and is definitely relevant to many in the community.

In regards to the relevant sections of the Advertising Codes of Practice:

- a) Code of Ethics – Basic Principle 4: we take our social responsibility very seriously and have gone to lengths to ensure that there is truth in our advertising. Our advertising line “Hookups = Squirt.org” has come from focus group research held in Australia, New Zealand, Canada, United States, United Kingdom, and the Netherlands, where we were consistently ranked among Grindr, Scruff, and other gay dating apps as the place to go and date/meet men.
- b) Code of Ethics – Rule 5: there is definitely nothing offensive about two men standing next to one another. In 2019 there is certainly nothing offensive about men dating other men.
- c) Code for People in Advertising – Basic Principle 3: we take care to ensure that our ads are appealing to our target audience, while not causing offense to others. Our current campaign of two guys wearing shirts (albeit open) and jeans, standing and not touching could hardly cause offense to anyone.

In response to the items raised in the complaint:

- a) Our ad does not say that “all gays are horny”
- b) Our ad is not advertising that men hookup in public
- c) Our ad does not advertise unprotected sex

I appreciate that the person making the complaint feels that the billboard should be taken down, but they cannot speak for the LGBTQ community – particularly the thousands of gay and bi men in New Zealand that had no problem with the billboard and have signed up to Squirt.org.

We respectfully request that these complaints based on the three advertising standards be rejected since the Squirt.org advertisement does not breach any of these points.

RESPONSE FROM MEDIA, GO MEDIA

We are writing regarding the complaint about the billboard advertisement on Tory Street in Wellington for a gay dating app called Squirt.

Go Media, as a company, is self-policing regarding the content we display.

For this advertisement, we requested changes be made to the artwork before we would display the advertisement. Copies of email correspondence between the advertiser and ourselves is attached.

As a company we do not discriminate against what clients advertise on our sites, if we do not believe that we are breaching any advertising standards.

The complainant has two main reasons why they have an issue with the advertisement.

There first issue is that they believe the advertisement reinforces a stereotype that all gay men are horny, and this is a stigma and label the LGBTQ community are trying to address.

In our opinion, the advertisement is merely promoting this gay dating sites application. It does not in any way say or imply that "all gays are horny."

The second series of issues the complainant has are in relation to the app itself and what it promotes once someone is using the app. They refer to local hook-ups in public, cruising spots, and the app advertises unprotected sex.

None of these things are promoted or displayed on the billboard. The billboard merely advertises the dating app.

The complainant also states they are not against the app.

"I'm not against the app, I'm against this being advertised in such a public place."

In summary, we do not believe the billboard advertisement promotes anything other than the gay dating app. It does not say or imply "all gay men are horny." Given the advertisement does not advertise anything about what is contained on the app itself I can't see any issue with those complaints and the complainant also states they are not against the app.

We do not believe this complaint should be upheld for the above reasons