



Case Report

1	Case Number	0086/17
2	Advertiser	Flat Rate Now
3	Product	House Goods Services
4	Type of Advertisement / media	Poster
5	Date of Determination	22/02/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

A4 size double sided colour poster of an iPad held by and in front of a naked women with text message promoting product on one side and promotional information on the reverse.

THE COMPLAINT

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

This advertisement sexualises a product which has nothing to do with sexuality, and uses the female body in a manner which is at best, inappropriate and at worst, offensive.

The background on this promotional flyer features an almost naked woman (except for a nail belt slung strategically low on her hips) who is holding a tablet in front of her chest. The naked woman is totally irrelevant to the software being promoted and is only used to grab the attention of the tradesmen it's aimed at. This sexist advertising is no longer acceptable in the 21st century as it is degrading to women and I thought we were moving on from this old fashioned thinking. They could have promoted it with a fully clothed woman using the tablet while liaising with clients/suppliers/tradies & I'd have no issue with that. As a mother of 2 daughters I'm appalled that this kind of sexist advertising is still happening today. If there was a facility to scan the document & attach to this complaint I would have as I feel strongly that this needs to be stopped.

I've made a comment on their Facebook page that this is derogatory to women however I'm not sure that it will be taken seriously.

It is sexist, demeaning and completely inappropriate this type of advertising image to be allowed to be used. It is disrespectful and objectifies women and insults decent men. If there is serious intension within our community to have more respect for women and reduce violence against women then this sort of representation of women in any form of advertising must stop.

THE ADVERTISER'S RESPONSE

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

We are in receipt of your correspondence dated 13 February 2017 and respond as follows. Addressing Section 2 Consumer Complaints :-

2.1 The advertisement in no way portrays people nor depicts material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2 The advertisement whilst having sexual appeal is not exploitive nor degrading of any individual or group of people.

2.3 There is no violence depicted or implied in any fashion.

2.4 The advertisement is directed to an audience of plumbers and the CGI image only shows the swelling of her breasts. The majority of her breasts are covered by the iPad she is holding.

2.5 The language used is totally appropriate and describes the software packages features and benefits for the user.

2.6 No health or safety standards are present.

Other relevant issues:-

The hard copy poster was included in a trade publication "Plumbers Choice" which was distributed by Australia Post in sealed plastic wrapping to labelled addresses only. The advertisement was not visible until the package was opened. The poster was not distributed as a single item to household letterboxes.

Acceptance of the appropriateness of the advertisement was obtained from the publisher of "Plumbers Choice" prior to printing and his acceptance of the poster for insertion in the mailout.

The poster was never intended for use on social or digital media. It was a one off hard copy poster for inclusion in a trade magazine.

Its appearance on Facebook was the result of actions taken without the publishers permission and in breach of our copyright.

We have received the following email explaining how the poster came to be on Facebook "From post on Facebook, Saturday 11th Feb 2017 10:12am: Good Morning, My name is (named removed) and I am a Plumber with an all female plumbing service. I was the first person to come across your advertisement and shared it with my like minded business women. We strongly believe in second chances and helping fellow business owners better themselves and business by supporting, advising and encouraging in what ever way possible. As i am incredibly aware of your target market, i am happy to converse with you and help you with a

more detailed idea of who your actual target market is so that you can advertise more effectively to them.”

THE DETERMINATION

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

The Board noted the complainant’s concerns that the advertisement is sexist, demeaning to women and inappropriate.

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

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 should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the advertisement appeared in a publication called “Plumbers Choice” distributed by Australia post in sealed plastic wrapping to labelled addresses only. The Board noted that the image included a picture of a topless woman holding an iPad over her bare chest with details of the new app. The woman’s head was not visible and she had a tool belt around her waist.

The Board noted the complainants’ concerns that an image of a naked woman covered only by the electronic device (tablet or iPad) is of no relevance to the service being advertised and is objectifying women.

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that the advertisement was for a plumbing service. The Board noted that the woman was wearing only a tool belt positioned over her pubic region and the iPad over her breasts.

The Board considered that the use of the woman in addition to her naked breasts being covered only by the iPad was an image that was sexualised and that it had no direct relevance to the product/service.

The Board considered that the advertisement used the woman’s sexual appeal to draw attention to the advertiser.

The Board then considered if sexual appeal was used in a manner that was exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

“Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;

Degrading means lowering in character or quality a person or group of persons.”

Based on the practice note definitions above, a minority of the Board considered that the use of a naked woman in a manner which is irrelevant to the product or service does amount to an image that is exploitative but not degrading.

The majority of the Board however, considered that the image was exploitative and by not including the face and/or head of the woman was lowering her in character and reducing her only to a set of breasts for the promotion of a service. On balance the lack of relevance of the image and the level of nakedness did amount to an image that was exploitative and degrading.

The Board noted their previous upheld decision regarding case 0316/13 for Metropolitan Motorcycle Spares where the Board considered that”the image bore no relevance to the product and that the woman was presented purely as an object to be looked at by readers. The Board further considered that the woman was presented in a sexualised position almost naked and that the depiction of her holding her breasts increased the appearance of the advertisement as being demeaning and exploitative.”

The Board considered that similar to the decision above, the current image bore no relevance to the product and the woman was presented purely as an object to be looked at by readers.

The Board further considered that the woman was presented almost naked and that the depiction of her barely covering her breasts increased the appearance of the advertisement as being demeaning and exploitative. The Board considered that the advertisement did employ sexual appeal in a manner that was exploitative and degrading to women and that it did breach Section 2.2 of the Code

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

The Board noted that the image appeared in an edition of the Plumbers Choice magazine and that this magazine is distributed to members only. The Board agreed that the likely audience for this style of magazine was adults interested in or working in a trade, specifically plumbing. The Board noted that the position of the woman standing front on was sexualised because of suggesting nudity, but was not of itself a sexualised pose. The Board considered that the level of sexualisation and nudity in the advertisement was not inappropriate for the relevant audience of adults who received the magazine and that it did not breach Section 2.4 of the Code.

Finding that the advertisement did breach section 2.2 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

As stated in our response to the complaint the advertisement was a one off A4 hard copy included in a sealed trade magazine. We did not use it for any other purpose and therefore it is discontinued.

As it is not being used again and distribution was completed before your initial communication we do not believe any further action on our part is necessary.