ADVERTISING STANDARDS BOARD

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph: (02) 6173 1500 | Fax: (02) 6262 9833
www.adstandards.com.au

ACN 084 452 666

Case Report

1	**Case Number**	**0399/15**
2	**Advertiser**	**Virtual Scaffolding**
3	**Product**	**Professional Service**
4	**Type of Advertisement / media**	**Outdoor**
5	**Date of Determination**	**14/10/2015**
6	**DETERMINATION**	**Dismissed**

ISSUES RAISED

2.1 - Discrimination or Vilification Gender
2.2 - Objectification Exploitative and degrading - women
2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This large banner features an image of a woman in a bikini, work boots and hat with a speech bubble reading, "We'll get it up for you!". The text next to the woman reads, "VIAGRA Scaffolding Services VSS Pty Ltd. Jimmy 0416 168 115 Gadget 0404 793 125".

THE COMPLAINT

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

a) This is pure sexualisation and objectification of women. In relation to Viagra and implying that the woman will ensure you get a penile erection while referring to actually being in the business of erecting scaffolding.
b) The name of the company is using a registered trade name/ trademark being Viagra.
c) In the country's fight against gender based violence and the sexualisation and objectification of women, this advertisement is shows us how very far Australia has yet to go in addressing these issues. This is a very poor message to be condoning through the continued existence of this advertising material to not only men and women but more particularly young boys and girls who need to be growing up with deep values of respect for the equality and dignity of both men and women.

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 respond.

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 sexualises and objectifies women and contains a sexual reference to an impotence drug which is not appropriate.

The Board viewed the advertisement and noted the advertiser did not provide a response.

The Board noted the complainant's concern over the use of a trademarked name, Viagra, and considered that this issue falls outside of the Board's jurisdiction and is best taken up with the Australian Competition and Consumer Commission (ACCC).

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict 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.'

The Board noted this outdoor advertisement features a cartoon image of a woman in a bikini, work boots and hard hat, with the text, "We'll get it up for you!" in a speech bubble next to her head.

The Board noted it had previously considered a similar complaint against a different version of this advertisement in case 0051/13 where:

"The Board noted that the woman is depicted in cartoon form and considered that whilst her attire is clearly not appropriate for a building site she is presented as a strong powerful woman and this image does not present woman in a manner which would be considered to be vilifying or discriminatory by most members of the community."

In the current advertisement the Board noted that whilst the association of a woman in a bikini with the building industry is not ideal the Board considered that the woman is presented as strong and in control and overall the image is not discriminatory or vilifying of women in general.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 that in order to be in breach 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 the complainant's concerns that the advertisement presents a woman in a manner which is objectifying and considered that whilst some members of the community would consider that the use of a woman, albeit in cartoon form, wearing only a tool belt and a bikini top could be considered exploitative, in the Board's view the overall cartoon image is not degrading as the woman is presented as strong and empowered.

The Board noted the inclusion of the phrase, "We get it up for you" along with the name of the advertiser, Viagra Scaffolding, and considered that this phrase in conjunction with the word Viagra amounts to a suggestion of a woman assisting a man with regards to sexual performance. However the Board noted that the advertised product is scaffolding and considered therefore the phrase, "We get it up for you" is relevant to the installation of scaffolding which makes the text less sexualised by being more humorous and relevant to the product. The Board considered that overall the advertisement did not employ sexual appeal in a manner which is exploitative and degrading towards women.

The Board determined that the advertisement did not 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 in the previous case:

"The Board noted the complainant's concerns that the advertisement presents a woman as a "human form of Viagra" and that the overall message is that she is instantly available for sex. The Board noted that the first letters of the slogan "virtual instant access guaranteed right away" spell Viagra and considered that this reference to a sexual performance drug in conjunction with the cartoon image of the woman gives a sexual tone to the advertisement but is a play on words intended by the Advertiser to be humorous and to catch the attention of adults.

The Board noted that the outdoor display of this advertisement means it could be seen by a broad audience including children and considered that the cartoon woman's body is sufficiently covered to be appropriate for outdoor display and that the reference to Viagra is very unlikely to be understood by children. The Board considered that the advertisement did not suggest that all women are instantly available for sex and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience."

In the current advertisement the Board noted the inclusion of the phrase, "We get it up for you" along with the name of the advertiser, Viagra Scaffolding, and considered that this phrase in conjunction with the word Viagra amounts to a stronger suggestion of sexual performance than in the previous case. The Board noted however that the advertised product is scaffolding and considered that the phrase, "We get it up for you" is relevant to the installation of scaffolding.

The Board noted the depiction of the woman in the advertisement and considered that

consistent with its previous determination the woman's body is sufficiently covered and the cartoon element reduces the impact of the image and renders it less sexualised than if a real woman had been used.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children and 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.