



## **CASE REPORT**

1. Complaint reference number	568/09
2. Advertiser	Waterson Diesel
3. Product	Hardware/machinery
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 9 December 2009
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor advertisement depicts a large truck and a woman prominently featured at the side of the advertisement wearing a long sleeve shirt and she is holding her hands beneath the collar as if to be tearing open her shirt to reveal her chest.

## **THE COMPLAINT**

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

*We feel this sign degrades women and has no bearing whatsoever to do with diesel mechanics. The sign uses the female body to attract your attention which we think is degrading, titillating and is offensive.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*In response to the complaint regarding to the portrayal of sex/sexuality/nudity we feel that the woman dressed in long sleeve mechanical work wear featured on the billboard is decidedly more dressed than many women featured in advertising for underwear or swimwear in other advertising mediums. In addition, the woman is not sexually provocative in her actions which fail to sexualize the content nor imply any form of sexuality. The subject is appropriately dressed in mechanical uniform relating to the advertised industry, with the majority of her torso shaded through use of lighting. No means of discrimination or degradation is intended on the account of gender, sex or sexuality. While we regret having upset members of the community, we do not believe that the campaign contravenes the AANA code.*

## **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 concern that the advertisement degrades women and is offensive.

The Board considered the application of Sections 2.1 and 2.3 of the Code, relating to discrimination and vilification of woman and sex, sexuality and nudity.

the Board noted that the woman is wearing (probably) overalls but that the overalls are held open by her in such a manner that her cleavage is prominently exposed. The woman is posed mouth open and

in the Board's view is depicted in a mildly sexualised position. The Board considered also that the accompanying text 'wet and dry' is mildly sexually suggestive.

The Board noted that it had previously considered advertisements featuring women in sexualised positions and that the use of such images has at times been a divisive issue for the community, particularly where there is no relationship between the woman and the product being advertised.

The Board first considered section 2.1 of the Code which requires that 'advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ..sex.'

The Board noted that there is no relationship between a woman's breasts or an attractive woman and the product or service being advertised. The Board considered that the woman in the advertisement is objectified in the sense that she is depicted purely to be looked at and has no relation with the product. The minority of the Board considered that the depiction of this woman did not discriminate against or vilify women as the woman is not seen in a submissive or overly sexualised manner. However the majority of the Board considered that the community would find the portrayal of the woman, particularly with the text 'wet and dry' which takes on a sexual connotation when used in conjunction with the woman, unacceptable and without justification in the context of the products advertised and in the media utilised. On this basis the Board determined that the advertisement did, on a broad interpretation of the concept of discrimination, discriminate against women and is in breach of section 2.1 of the Code.

In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that the advertisement is on a billboard and is therefore available for viewing by a broad audience. The Board considered that the billboard is mildly sexually suggestive, but is not likely to be considered offensive in the context of the sexual content of the billboard, and is not inappropriate for the relevant audience. On this basis the Board determined that the advertisement did not breach section 2.3 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the Board's determination are:

- 1. Waterson Diesel is very surprised at the outcome of the review and certainly did not advertise in any attempt to offend or discriminate.*
- 2. After discussions with Bishop advertising we have agreed to review the picture of the lady on the advertisement and modify the picture. We will arrange for a tank top to be placed over her breasts as an undershirt to her overalls.*
- 3. In response to the wording placed on the advertisement. Until the board released their findings no one in Waterson Diesel or Bishop advertising had any idea that a sexual connotation could be made in relation to the words 'Wet and Dry Plant Hire'. This is common terminology – wet hire means the hirer supplies the machine, an operator and fuel; dry hire means that the hirer only supplies the machine. These are Industrial/Mining area terms and are widely used in advertising of plant hire companies.*