



CASE REPORT

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| 1. Complaint reference number | 45/09 |
| 2. Advertiser | Constellation Wines |
| 3. Product | Alcohol |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 25 February 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement from Constellation Wines for Svedka vodka shows several lifesize cardboard cut outs of a female robot dressed in high heeled shoes. The robot's calves, buttocks and bosom area are a lighter grey than other parts. The robot is standing on a dais with the words: "Svekda-Join the party" visible. A large blue glass is placed between each of the cut outs. Several posters which state: "Make cocktails not war" is also placed around the cutouts.

THE COMPLAINT

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

I refer to the life size cartoon'ish image of a robotic woman advertising SVEDKA vodka in the front street window of Don Murphy this morning. This promotional material is offensive as it appears that the woman is wearing a G-String undergarment on her (Street-facing) bottom, and bondage type bathing suit/underwear. I am at a loss to explain to my 9 year old boy what this is - maybe I can say we'll discuss it when he's eighteen!? I am a 40 year old mother and I think I'm their vodka market so its unclear what it stands to gain except adverse publicity. I take offence to their promotional image displayed for public consumption.

THE ADVERTISER'S RESPONSE

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

As a preliminary issue, we note that the AANA Advertiser Code of Ethics applies to "advertisements". These are defined to mean "matter which is published or broadcast". As the promotion in question was an in-store display, we submit that the Code does not apply in this case.

In any event, Constellation Wines Australia believes it is important to consider the AANA Code all types of promotional activities. As such, we provide the following response to the complaint received by the Advertising Standards Bureau.

The complainant alleges that the Svedka Vodka Robot portrayed in the in-store trade promotion is offensive "as it appears that the woman is wearing a G-String undergarment on her (Street Facing) bottom and bondage type bathing suit/underwear". She also says she is at a loss to explain to her 9 year old son what "this is".

The Svedka Vodka in-store promotion features the Svedka Vodka Robot which is a figure used globally by the Constellation Group of companies in advertising campaigns to represent the brand. The Svedka Vodka Robot is feminine in execution, but is however a robotic caricature. There is no nudity depicted. Rather, the robot is physiologically comprised of silver and black segmented body

parts that may, from a distance, have given the complainant the false impression that it was wearing undergarments. Furthermore the figure is not posed in any sexually provocative way nor does it inappropriately depict sexuality. We believe the depiction of the Svedka Vodka Robot is considerably less explicit than some store mannequins used in retail window displays.

For these reasons we do not consider the in-store display to be in breach of section 2.3 of the Code. Further, the product display is for an alcoholic beverage and is set up in a retail liquor outlet, neither of which are intended for children. As such, we do not consider the display to be in breach of sections 2.4 or 2.8 of the 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 complainants' concerns that the character depicted in the advertisement was inappropriately attired having regard to the advertisement's public setting and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity.

The Board noted that the advertisement depicts a robot and that the robot is stylised to appear as a female. Despite the depiction of the robot being suggestive of a woman wearing a g-string, the Board considered that most members of the community would see the advertisement as a depiction of a robot, and accept that there is no nudity in the advertisement. The Board considered that if people did consider the advertisement sexually suggestive such nudity or sexuality was mildly suggestive only and was mitigated by the fact that there was no person depicted.

The Board determined that the advertisement depicted sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.