



CASE REPORT

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| 1. Complaint reference number | 68/09 |
| 2. Advertiser | St Kilda Beach Night Market |
| 3. Product | Other |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
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 for St Kilda Beach night markets shows a drawing of a woman with long pink hair wearing a bikini top sitting at a bar with a drink. Her back can be seen, she has a tattoo on the back of her shoulder and she is also wearing an orange flower in her hair. A rollercoaster and palm trees can be seen in the background. Above the image are the words: "Pick up something gorgeous!" Below the image are details of the St Kilda Beach night market.

THE COMPLAINT

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

Implies the market could serve as some kind of beat/ strip where a man can pick up a prostitute/sexually available young woman. given the appalling conditions for street workers in the area this analogy is distasteful and blatantly sexist ((ie, can a woman not pick up a semi clad hot young thing too?) reads as the market is a 'pimp' for available women, and again, given how intimidating passing soliciting traffic in the area can be to women who are NOT street workers, and just trying to get from A to B, i dont feel that the billboard is a 'safe' visioning of the market space for young women, instead it is encouraging to those predatory or soliciting types that may think 'buying' a woman is as simple as shopping for t-shirts or hippy clothes. Get your bargain here, young women cheap and available.....surely the council can come up with something less sexist???

THE ADVERTISER'S RESPONSE

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

While I acknowledge the complaint, I strongly refute that this image portrays sex/sexuality/nudity (section 2.3) - this was not the intention in any way of the art work on my advertisement.

The image clearly depicts a women who has been shopping at a beach market. She sits with a juice and a shopping bag, the tag line pick up something gorgeous refers to the products available, many of which have been made by local designers (including the fresh mango juice.) The secondary tag line states shopping St kilda style, a reference to an out door seaside shopping environment unlike any where else in Melbourne.

It does not suggest the sale of sex, it is not a an endorsement for the conditions of street workers nor is it a suggestion that the women who come to the market are cheap and can be bought. In fact I feel concerned that a female could read so many negative messages in an event run, supported and attended by a predominately female crew. In addition to this I have had many many

compliments on this artwork which captures the essence of a beautiful garden market event.

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 billboard advertisement had sexual overtones and was sexist towards women, and considered the provisions of the Code relating to discrimination and vilification on the basis of gender and sex, sexuality and nudity.

The Board viewed the advertisement and noted the advertiser's response. The Board considered that the advertisement was not sexually suggestive or suggestive of prostitution or that women can be bought. The Board considered that the advertisement was appropriate for the general public and that it did not denigrate women. The Board determined that the advertisement did not breach sections 2.1 or 2.3 of the Code.

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