



Case Report

1	Case Number	0018/12
2	Advertiser	My Foot Doctor
3	Product	Professional services
4	Type of Advertisement / media	Outdoor
5	Date of Determination	08/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Semi circle topped sign on supports. Contains an image of a female nude, from the waist to feet, with her face down and one foot kicked in the air. The text reads, "We fix feet! 07 3720 6200. myFootdr" along with information on the services offered.

THE COMPLAINT

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

I'm not quite sure why a naked woman is needed to advertise a service for feet and lower legs!

I felt very uncomfortable driving my four young children past a sign with a naked person on it. Our young children should not be subject to images that are beyond their developmental level. The image of a thin naked lower half of a woman normalises unrealistic body image in girls and promotes objectification of women encouraging unhealthy attitudes about women and sexuality in boys.

This sign is near Indooroopilly railway station where I'm sure many families would drive past. I believe it's incredibly irresponsible of this podiatry business to contribute to the sexualisation of our children to simply promote their service by using a naked woman's body to grab people's attention.

I'd encourage the podiatrist to change the image on their signage to something stylish, relevant and appropriate rather than shoving sexual images in the face of our children.

THE ADVERTISER'S RESPONSE

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

I refer to a formal notice of complaint received from the ASB with regard to a pylon sign on the corner of Clarence and Lambert Sts, Indooroopilly Q, said sign advertising our presence at that location. The sign in question is a sign depicting a nude woman lying face down on a surface. The sign commences at the waist and depicts the lower limbs and feet.

Podiatry is the specialty in allied health that cares for feet and lower limbs.

I note the complainant has contacted me directly for a discussion late last year during which I listened to the substance of their concerns and confirmed our position to them but also indicated that the board (comprising the ultimate owners of the organisation and myself) would consider her concerns and determine a course of action.

My understanding of the complaint indicates to me that the complainant is raising issues in relation to Section 2 of the code of ethics as you state and particularly, Section 2.3, which relates to the treatment of sex, sexuality and nudity with sensitivity to the relevant audience.

It is our position that the "nudity" such as it is, is very much at the lower end of the scale and that the portions of the anatomy shown directly relate to our area of speciality. We contend that although the image is of a woman in profile nude, the image shows a bottom side on and legs and feet, a very limited form of nudity. The image is entirely in context and does not show any genitalia at all. It certainly is far less than that revealed in many signs for beauty therapy or even for our colleagues in physiotherapy, which often show a full nude person from behind to depict back pain.

We believe that this is a quite subjective matter and perceptions of what might be confronting differ from person to person. We do accept that the sign breaks with the quite conservative advertising tradition of podiatrists in particular and the medical profession in general.

my FootDr is the most technologically advanced and largest podiatry group in Australia offering services which far exceed those of our competitors and we are seeking to dramatically raise the profile of the profession from its current quite staid, conservative face. The sign is on the fringes of a commercial area across from retail shops and at the lights.

We are of course, seeking to attract attention to our services and the sign certainly is effective in doing so as it is quite eye catching. We consider that the picture is quite tasteful and not provocative in alluding to sex or lewdness and it certainly indicates our speciality as to feet and lower limbs.

We have had a range of comment from existing patients and members of the general public in general to the staff at the location. All complaints of whatever nature within our organisation are referred directly to me for resolution. I have confirmed with our location staff that all negative comment in relation to the sign has been referred to me and to date I have received two calls, one of whom is this complainant.

In any business, the goal is to attract attention and we have certainly sought to do so with this sign. Like any business, negative reactions to our activities will give us pause and we will seek to be responsive to the community. We do consider however, that in this instance, the complaints are those of a minority.

We are considering taking the sign down as we do not wish to give offence to the community, if this complainant is indeed representative of the communities' view. We are by no means convinced that this sign is offensive to the community at large.

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 objectifies women and is inappropriate for children to see as it features nudity.

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

The Board first considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code requires that: “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 this advertisement is for a podiatrist and features a naked woman lying on her stomach with one foot raised in the air.

The Board considered that it is reasonable for a podiatrist to feature the parts of the body they treat on an advertisement. The Board considered that whilst the image could have been a man, in the Board’s view the use of a woman in the advertisement is not exploitative or degrading.

The Board considered that the image did not contain inappropriate nudity and did not employ sexual appeal in a manner which is degrading of any individual or group of people”.

The Board determined that it did not breach section 2.2 of the Code.

The Board 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 podiatrists work with the whole leg and lower back, as well as the feet, and considered that the presentation of these body parts in this advertisement is treated with sensitivity. The Board noted that the woman is naked but that we see her from the lower back to the feet and that whilst we see the outline of her buttocks we do not see her private areas. The Board considered that the image is not sexual or sexualised and that it is not inappropriate for viewing by children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states that: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainant’s concerns that the woman is thin and that this “normalizes unrealistic body image in girls...” The Board considered that the woman appears to be fit and healthy and in the Board’s view most members of the community would not consider the woman to be underweight.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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