



Case Report

1	Case Number	0239/11
2	Advertiser	Vitaco Health Australia Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Transport
5	Date of Determination	13/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features images of a woman at the beach, wearing a blue bikini and a product shot of an Aussie Bodies ProteinFX LO CARB Bar. Accompanying text reads: Keep Australia Beautiful. The Body Beautiful Bar.

THE COMPLAINT

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

The ad has nothing to do with "helping to keep Australia beautiful".

The ad is fake misleading advertising! It doesn't have a rubbish bin or rubbish in the ad but a close up of a headless fake woman wearing a tiny bikini!!! The woman is very fake looking, looks very orange, has had plastic surgery, been airbrushed, computerized and has been severely photo shopped??!

The ad is disgusting and sexist to all of us real women! It looks more like a sex ad!!

The ad is inappropriate to children who are already confused and exposed to such pathetic unrealistic sexist rubbish!

Not to mention discriminating women as sex objects.

The woman in the ad is not picking up rubbish so what is the ad telling society??

The ad is very degrading disrespectful and embarrassing!

The ad needs to be removed.

THE ADVERTISER'S RESPONSE

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

We have considered whether this advertisement breaches Section 2.3 of the Advertiser Code of Ethics (Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone).

Vitaco recognise that while some people may have different perceptions of the advertisement, the intent of the advertisement is to communicate the aspiration image of a fit and healthy female physique in connection with the functional benefits of a protein bar.

As such, we believe the content of the advertisement does not contravene the Code in relation to sex, sexuality and/or nudity and recommend the complaint to be dismissed.

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 features an image of a woman which is sexual and inappropriate.

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

The Board considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: ‘Advertising or marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone’.

The Board noted that the image features a woman by the beach, wearing a bikini and includes the text ‘Keep Australia Beautiful’ and the picture of a protein bar below her.

The Board noted the complainants’ concerns that the image is in a public place where it is visible by a broad audience, including children. The Board noted that the model is clearly clothed in a bikini and the image used is viewed in connection with the text, making a clear association between the image of the woman and the product being advertised ie: a food product designed to assist with weight management and good health.

The Board noted that although the focus of the image is on the woman's body and particularly her chest, she is well covered by the bikini, is not in a sexualized pose and the image does not include any nudity.

The Board considered that the image of the woman was not overtly sexualised and that most members of the community would consider the image a nice image of a woman at the beach. The Board noted that the size of the advertisement and the placement on public transport meant that the relevant audience was very broad and could include children, however, the Board considered that the image was relatively mild and unlikely to be considered sexualised by most members of the community.

The Board considered that most members of the community would not find the advertisement offensive.

The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it 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.