



Case Report

1	Case Number	0009/11
2	Advertiser	Unit
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	09/02/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Woman in black bikini and baseball cap sat astride a motorbike which is partly submerged in a swimming pool. The UNIT logo is on the bottom left of the advertisement.

THE COMPLAINT

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

I object to this advertising for a number of reasons:

- The large poster at the back of the store is a very sexualised pose of a woman on a bike. This is also easily viewed by anyone walking past.*
- I am a mother of three sons. I am trying to teach them to respect women.*
- According to the Advertising Standards I have read this advertising breaches these standards.*

THE ADVERTISER'S RESPONSE

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

We strongly disagree with the complaints.

With all due respect we see these complaints as merely overheated feminist rants lacking any constructive argument. To describe the person in the image at the back of the store as having a “a very sexualised pose” is utter nonsense. If the board would like to ban this ad we would expect them to ban every other advertisement featuring people wearing bikinis. The complaint in relation to the poster at the front of the store offers no explanation or argument of how or why the particular advertisement discriminates against women and should be dismissed.

Note that these particular ads are being replaced by our new winter themed range next week anyway, case closed.

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 a woman in a sexualised pose.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code 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 the advertisement, displayed at the back of a Unit store, features a woman in a bikini sitting on a motorbike which is partly submerged in a swimming pool. The Board considered that as the woman is in a swimming pool, the wearing of a bikini is appropriate in the circumstances. The Board noted that the location of the advertisement means it would be viewed by customers of the store, not the general public.

The Board considered that while some members of the community may find this advertisement to be inappropriate, as it features a woman in a bikini, the advertisement was not sexually explicit or graphic.

The Board determined 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.

