



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0010/16</b>
<b>2</b>	<b>Advertiser</b>	<b>All Tools NT</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/02/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features an image of a woman wearing shorts, singlet and high heeled shoes and holding a jack hammer. The text reads, "ALLTOOLS NT. The discount tool specialists".

## THE COMPLAINT

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

*This is clearly objectification of a woman to sell hardware, there is no need for in and intact the way the woman is dressed doesn't meet industry safety standards for operating this type of power tool.*

*The advertising is extremely sexist and objectifies women.*

## THE ADVERTISER'S RESPONSE

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

*In response to complaint that has been made regarding bus advertising that AllTools NT is currently running please see below responses -*

*We currently hold an outstanding relationship with the Makita Product and Brand. Therefore we undertook to promote the brand with the Ambassador for Makita which is the Esther the model on the bus artwork. As well as the model there are also a number of other points on the bus as you will see in the photo attached. Logos, Company name, website address, business address, business logo etc. Please see below as to why we approached Makita Power Tools and requested that we use their Makita Model/Ambassador as part of our promotion.*

#### *Outline*

*Esther has been employed by Makita as an ambassador of the Makita brand – Esther is responsible for the following activities;*

- Meet and welcome consumers and dealers at key events – Tradeshows, Roadshows, functions.*
- Sign consumers and dealers up to the Makita database.*
- Promote new and focus products via TV, Point of Sale, Presentation, Demonstration.*

#### *Why Esther*

*Esther removes the boys club mentality that still exists in some parts of the power tool market.*

*Esther relative to our target market which is tradesmen 18 – 40, Esther communicates well with the target market at tradeshows, roadshows, functions.*

*Esther comes from a family of tradesmen.*

#### *Safety*

*In this shot, it is clear that the tool is not in operation – there are no safety concerns present.*

#### *Choice of clothing*

*Esther wears a black singlet and black shorts – black is the Makita colour and singlets and shorts is common apparel for tradies – Esther is wearing heels, this is what she wears when attending all Makita functions of which she is an ambassador. There is not nudity in the photo of Esther.*

*Holding the Jack Hammer Suggestively - How Esther is holding the Jack Hammer is not suggestive in any way, they are an extremely heavy item and for her to be photographed holding one would be the only way it could be held without causing harm.*

*As the person who authorised this advertising and liased with the media group I in no way feel that this is degrading to women. I am a female who has managed AllTools NT for 6 years and feel is unjustified that this complaint has been lodged but understand that there is a procedure that needs to be followed in regards to complaints lodged*

*If there is further information that you require, please do not hesitate to contact me.*

## **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 advertisement features a scantily clad woman holding a power tool which is sexist and objectifying.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this advertisement appears on public transport and features an image of a woman in shorts, singlet and heels holding a jack hammer.

The Board noted the complainants’ concerns that it is sexist to depict a woman in this manner and considered that advertisers are free to use whomever they wish in their advertisements provided they do not present any person in a manner which is discriminatory or vilifying. The Board noted that the woman is holding a power tool relevant to the advertiser’s services and considered that although her clothing is not consistent with the type of clothing you would wear to use a jack hammer in the Board’s view it is not of itself discriminatory to use a woman to promote a power tool in this manner.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “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 the complainant’s concerns that the advertisement depicts women as sex objects and noted that in order to breach this Section of the Code the images would need to be considered both exploitative and degrading.

The Board acknowledged that some members of the community would find the use of attractive, scantily-clad models to be exploitative but considered that although the use of a

woman to promote a power tool is gratuitous the pose of the woman is not overly sexualised and the manner in which she is presented is not degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 whilst some members of the community may find images of models promoting services or products to be inappropriate, the Board considered that the woman’s body is sufficiently covered and the level of nudity is mild. The Board noted that the woman is standing with her legs apart but considered that this is a necessary stance when holding a jack hammer. The Board noted it had previously upheld a complaint about an advertisement featuring a woman in a bikini holding a tool in case 91/10 but considered that in the current advertisement the woman is clothed and the image is not overly sexualised. The Board noted that the intent of the advertisement is to use an attractive woman to appeal to the target audience of men who use power tools but considered that the manner in which the woman is depicted does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which includes children.

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

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

The Board noted the complainant’s concern that the woman is not dressed in industry standard safety clothing.

The Board noted that the woman’s clothing – shorts, singlet and high heels – is not appropriate for the activity of using a power tool such as the jack hammer she is holding but considered that the woman is clearly modelling the jack hammer and not using it and that overall the advertisement does not suggest that the woman’s clothing could or should be used when operating power tools.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety with regards to safe workwear.

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

