



Case Report

1	Case Number	0012/11
2	Advertiser	Paparazzi Clothing
3	Product	Clothing
4	Type of Advertisement / media	Print
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

Image of a naked woman showing her from the waist to mid thighs. Her hands are crossed over her genital area and her fingers are splayed so we can see the nail polish she is wearing. The text reads, "Even if you can't find something to wear... Bio Sculpture have got your nails covered."

THE COMPLAINT

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

Photo of a naked woman covering her private parts with spread hands to advertise nail products where it readily accessible to children.

THE ADVERTISER'S RESPONSE

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

No response provided by the advertiser.

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 naked woman with only her hands covering her private parts.

The Board reviewed the advertisement and noted the advertiser's failure to provide a response to the complaint.

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 features a naked woman from the waist to mid thighs. Her hands are crossed over her genital area and her fingers are splayed so we can see the nail polish she is wearing.

The Board considered that while some members of the community may find this advertisement to be inappropriate, the Board noted that this image was relevant to the accompanying text of the advertisement: “Even if you can’t find something to wear...Bio Sculpture have got your nails covered.”

The Board considered that while a depiction of nudity, the nudity does not expose any genitals. The Board considered that the advertisement is not overtly sexualised or sexually suggestive. The Board noted that the image is published in a newspaper that is not directed to children and does treat nudity with sensitivity to the relevant audience.

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.