



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0023/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Centrepoint Tamworth</b>
<b>3</b>	<b>Product</b>	<b>Leisure and Sport</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/02/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</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

Image of a woman's cleavage with the words, "Entertainment Quarter" written in a tattoo style above them. Underneath are the words, "Double the fun".

### THE COMPLAINT

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

*This advertisement is exploitative and sexist, showing a pair of disembodied breasts not connected to a person. Has nothing to do with the product being advertised. Is inescapable due to its large size and location in the middle of town.*

### THE ADVERTISER'S RESPONSE

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

*The Advertiser did not provide a response.*

### 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 depicts a woman in a manner which is exploitative and sexist.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of...gender...”

The Board noted that the advertisement features the cleavage of a woman in a low cut top with the words “Entertainment Quarter” seemingly tattooed across her chest. The text at the bottom of the image reads “Double the Fun” and there is mention of the Strike Bowling Bar on the right and the Ritz Restaurant and Wine Bar on the left.

The Board noted the complainant’s concerns that the image presents a pair of breasts with no head or any other part of the body shown and that there is no relationship to the product being promoted.

The Board noted that the advertisement is intended to be humorous by the use of a double entendre which refers to the woman’s breasts, the two separate venues and ‘double the fun’. The Board considered that there is a mild sexual suggestion in the use of the term ‘double the fun’ but considered that this did not present women in a manner which would be considered to be vilifying or discriminatory by most members of the community.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of gender and 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 presents a woman in a manner which is objectifying. The Board noted that the advertised product is for entertainment venues at the Centrepont Tamworth and considered that most members of the community would agree that there is no relevance to a woman’s chest and the venues being advertised.

The Board noted the use of the phrases ‘entertainment quarter’ and ‘double the fun’ in conjunction with the woman’s breasts and considered that this reference was not appropriate as it could be considered to be a reference to the woman’s chest being for entertainment.

The Board noted the advertisement uses sexual appeal in the close up of the woman's breasts and considered that the use of an image of a woman's chest to advertise an entertainment quarter in addition to the lack of a visible head and face is exploitative as there is no relevance to the product and that the overall image is degrading to women.

Finding that the advertisement is exploitative and degrading and did breach Section 2.2 of the Code, the Board upheld the complaint.

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 the complainant's concerns that the advertisement is inescapable because of the large size and location.

The Board noted that the outdoor display of this advertisement means it could easily be seen by a broad audience including children. The Board considered that although there is a large portion of the woman's cleavage exposed, there are no nipples visible.

The Board considered that the double entendre within the advertisement would be understood by an adult audience, but that children would not make the same connection and therefore the sexual suggestion was considered mild.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board upheld the complaint against Section 2.2.

## **ADVERTISER RESPONSE TO DETERMINATION**

The Advertiser has advised that:

"Upon consideration of your email. We have concluded the following points:

- 1 This banner is a short term advertisement rapidly approaching its use-by date and as such, it will be removed in due course.
- 2 The purpose of the campaign as you are aware, was to be noticed in a humorous way, albeit slightly risqué
- 3 The artist has informed us from start, but we did not want to make this public, that it has in fact not even based upon female anatomy, but airbrushed from a photograph of the artist's elbow/forearm when closed.

The affect being achieved in Adobe Photoshop. The red and black panels on either side are obviously transposed as well – nobody has shoulders that broad.

4           Another point being that out of the thousands upon thousands of people that have been exposed to the signage, there has only been one complaint that we are aware of. We have received nothing, but positive and humerous responses. In summary, we could go on with many other reasons for not removing the temporary banner prior to its campaign conclusion. Furthermore, the artist whose work the banner is has said he would be happy to demonstrate his skills if you would like to see how the artwork was created."

The Advertising Standards Bureau has forwarded this matter to the relevant local Government Authority for further action: "Council officers met with representatives from the Centrepoint Shopping Centre yesterday [18 March 2013]. A period of 10 days has been provided remove the sign as a cherry picker must be hired to complete the job."