



Case Report

1	Case Number	0030/13
2	Advertiser	Tremonti Jewellery
3	Product	Retail
4	Type of Advertisement / media	Cinema
5	Date of Determination	30/01/2013
6	DETERMINATION	Upheld - Modified or Discontinued

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

3 sets of woman's legs filmed from top fully dressed. All filmed from top only showing legs from top and arms coming in to picture with Jewellery boxes stopping in from of stretched out legs. Arms are going back out of picture. Come back with boxes open again in front of legs. Legs slightly attempt part in different movements.

THE COMPLAINT

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

I think that this ad vilifies women. It is totally degrading at it portrays the concept that a women will give you sex if you give her jewellery. I was totally offended and disgusted by the ad. The entire cinema was shocked that the ad was even shown, let alone at that time of day. I believe that the ad should be removed & never shown again. It portrayed women in the worst light & it was shown where young teenagers were present.

THE ADVERTISER'S RESPONSE

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

The meaning of this add is obviously open to anybody's imagination and not in any way degrading woman at all. In the contrary! It had a great response and we are sorry that it might have offended some woman. I went to see it myself and the response of the audience was as expected humorous and funny. We also started a survey and the response was anything else than offensive. People see the humour in it and this is the purpose. Having a laugh is sometimes better than finding a drama. We will apologise to the person that filed the complaint and will advise her when the add is playing so she can avoid seeing it if she wishes.

As in the Rating. It is rated M= mature audiences. If there are young teenagers in the audience it has to be considered and followed by the parents.

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 vilifies woman, is degrading and offensive.

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 this advertisement features overhead shots of three pairs of women's legs. The women's heads are not visible. At the beginning of the advertisement, the women's legs are crossed. The women are presented with a jewellery box. When the closed jewellery box is presented, the women's legs remain crossed. A second box is presented and is open with jewellery inside. This time the women uncross and spread their legs to shoulder width apart. The voiceover says "Tremonti, always gets you what you want."

The Board noted that the combination of the slogan, the presentation of jewellery and the parting of the women's legs are suggestive that women will give sexual favours for gifts, in this case jewellery.

The Board considered that overall the material depicted was in poor taste but 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 then 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 depiction of the women is degrading and offensive and gives the message that a woman will give sex if you give her jewellery.

The Board considered that the image depicts the women in a position that is sexually suggestive as their legs are uncrossed only upon seeing the contents of the jewellery box. The Board also considered that the image depicts the women as objects, without heads or faces, which increases the suggestion that the women have no value other than their bodies.

The Board considered that the representation of the women as simply pairs of legs was irrelevant to the service advertised. The parting of their legs only upon the revealing of jewellery was considered degrading. The Board considered that the impact of the advertisement as a whole is exploitative of women and is also degrading. The Board determined that the advertisement breached 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 the complainant’s concerns that the image is sexualised and inappropriate for viewing at the Cinema during the day. The Board considered that whilst the suggestion of sex is mildly apparent, there is no actual footage of sexual activity.

The Board noted that the advertisement was featured at the Cinema prior to the screening of Jack Reacher which is rated M. The Board noted that advertising at the Cinema does not have to comply with the same regulations as those aired on Free TV but considered that the intended audience for this movie would be over the age of fifteen (15) or younger in the presence of a responsible adult, and the advertisement did not present sex, sexuality or nudity in a manner which was inappropriate for the audience.

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.

ADVERTISER RESPONSE TO DETERMINATION

The advert was legally rated before it was played on screen. I spoke to the relevant person from the cinemas and they do not see a reason to stop the advertisement. The main response I get from it is terrific and the majority of people understand the humour of it.

The cinema advised the ASB that it will no longer run this advertisement.