



Ad Standards Community Panel
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Case Report

1. Case Number :	0052-20
2. Advertiser :	RaffleTix
3. Product :	Gambling
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	12-Feb-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features a photo of a woman in white underpants and a white crop-top leaning against a grey Mustang. The text accompanying the photo reads: "Ever wanted your very own 1968 Mustang? (fire emoji) Don't miss your chance to WIN this stunning GT 500 1968 Ford Mustang! Tickets are almost sold out! This raffle supports young veterans suffering from PTSD, anxiety and depression and helps them transition back to civilian life. Tickets are selling out fast! (surprised face emoji) Click here to get your tickets before they are sold out (hand pointing down emoji) (website link)"

THE COMPLAINT

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

It was sexualised and exploitative advertising of a product that supposedly supported children and the community. This is in breach of advertising standards



THE ADVERTISER'S RESPONSE

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

The advertisement was to promote a raffle by the Young Veterans charity win a vintage, Eleanor GT500E Replica 1968 Ford Mustang Fastback.

The advertisement was displayed via Facebook to people over the age of 18. The advertisement was approved by Facebook and met the Facebook Ad Standards. The image used in the advertisement focused primarily on the vehicle at the forefront, with the female actor as a secondary focus.

The advertisement very specifically promoted the Young Veterans charity and its raffle, not RaffleTix. The advertisement did not promote RaffleTix and its involvement with a broader client base. Young Veterans is a volunteer-run organisation which seeks to empower the lives of Australia's heroes and help those suffering from anxiety, PTSD and depression to transition back to everyday life.

RaffleTix believes the advertisement was in line with current advertising standards. In total, RaffleTix received one complaint about the advertisement. The advertisement is no longer running.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement features a sexualised and exploitative image.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.



The Panel first considered whether the image uses sexual appeal. The Panel considered that the depiction of a woman in lingerie is one which most members of the community would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative.

The Panel noted it had previously considered an advertisement in case 0369/18 in which:

“The Panel noted that the advertisement features a painting of a naked female reclining with her genitals covered by her legs, and her breasts visible on the back of a truck cab. There are black and white images of forklifts in the background of the image. The Panel considered that the supine position of the woman without clothing was a depiction which contained sexual appeal. The Panel noted that there is imagery of forklifts in the background of the painting, however considered that this imagery did not constitute a relevant link between the woman and the product being advertised. The Panel considered this was a depiction which employed sexual appeal in a way which was clearly focussing on the body parts of the woman and bears no direct relevance to the product being advertised, and considered that this is exploitative of the woman and did breach Section 2.2 of the Code.”

In this case, the Panel considered that there is no connection between a woman in underwear and the vehicle, other than an outdated and stereotypical trope of naked women and cars in calendars and posters. The Panel considered that the depiction of the woman in the advertisement is not specifically relevant to the product being sold and therefore her depiction in lingerie with a lot of flesh visible was gratuitous. The Panel considered that the woman’s suggested nudity did constitute a focus on her body parts which was not directly relevant to the product or service being advertised.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative.

The Panel considered that the woman is posed in a confident manner and there is no indication that she is uncomfortable. The Panel considered that the woman is not lowered in character or quality by her depiction in the advertisement.

Overall the Panel determined that the advertisement did employ sexual appeal in a manner which is exploitative of an individual, and did breach Section 2.2 of the Code.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.



The Panel considered whether the advertisement depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the depiction of the woman in underwear is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement contained sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the depiction of a woman in lingerie would be considered by most members of the community to be sexualised. The Panel determined the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement contains nudity.

The Panel noted that the lingerie worn by the woman covered their breasts and genitals, however considered that a lot of flesh was visible. The Panel considered that some members of the community would consider this to constitute partial nudity.

The Panel determined the advertisement did contain nudity.

The Panel then considered whether the advertisement treated the issues of sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel



about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears on Facebook and that the audience would be broad and predominately adult.

The Panel noted that the woman is posed side-on and her breasts and genitals are not visible. The Panel noted that her underpants are high cut and a lot of her thigh and buttocks are visible. However the Panel considered that while a lot of flesh is visible, there is no explicit focus on her body parts, and the level of nudity in the advertisement is mild.

The Panel considered that the pose of the woman was not sexualised and that the woman was appropriately covered. The Panel considered that while the advertisement did contain a mild level of sexuality, it was not overtly sexualised or inappropriate for the relevant broad audience of mostly adults.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code

Finding that the advertisement did breach Section 2.2 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser did not respond to the upheld determination. However the advertiser's response to the initial complaint indicated that the advertisement is no longer running.