



Case Report

1	Case Number	0059/16
2	Advertiser	99 Bikes
3	Product	Sport and Leisure
4	Type of Advertisement / media	Poster
5	Date of Determination	24/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features in the store windows of 99 Bikes and shows a woman wearing lycra leggings and a tank top resting her forearms on her bike's handlebars.

THE COMPLAINT

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

There is an image of a male and an image of a female. The male is depicted in a cycling jersey, while the female is in a small tank top showing her cleavage and her chest and arms have been sprayed with liquid to look wet. This promotes the sexualisation of females and is an example of how females and males are treated differently.

THE ADVERTISER'S RESPONSE

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

Thanks for sending through this complaint. We take a lot of pride in our shopfronts and do our best to give everybody a positive and comfortable experience when entering the shop.

During the photoshoot in question, Casey (pictured in our advertising), was one of five cyclists being featured and brought her own sports gear to wear during the photoshoot, as was the case with everybody else. We didn't intend to represent her in a different light, or differently than as she arrived. The intention of this photoshoot was to demonstrate that riding is for everybody, and we encouraged the riders to show up wearing their regular clothing.

I received an email with a very similar complaint around the time this complaint was lodged to the ASB. We don't share the view outlined in the complaint however it has been passed-on to our property department. We continue to use photos of Casey in our branding, however these might not be the exact same photo that you received a complaint about.

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 sexist and sexualised image of a woman.

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 poster advertisement in the advertiser’s store windows features a male and a female cyclist.

The Board noted the advertiser’s response that the models were asked to wear their own clothing for the photoshoot and therefore the woman’s choice of singlet was her own decision, as was the man’s choice of professional looking cycling top.

The Board expressed concern at the depiction of men and women depicted so differently, in this instance with a man wearing professional cycling clothing but a woman wearing a normal singlet which could be used for any activity. The Board noted however that advertisers are free to use whomever they wish in their advertisements and considered that whilst it is disappointing that the genders are often portrayed in a different manner this is not an issue under the Code provided that advertisers do not present any person in a manner which is discriminatory or vilifying.

The Board noted that both the man and the woman in the advertisement are shown with their bicycles and considered that in the context of an advertisement for a bike shop this depiction 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 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 concern that the woman is depicted in a manner which is sexualised.

The Board considered that although a hint of cleavage is visible most of the woman’s breasts are covered and the level of nudity is very mild.

The Board noted that the style of clothing worn by the woman is consistent with clothing often worn by women to exercise in and considered it is not sexualised clothing and the woman’s pose, leaning on her bike, is not sexualised or inappropriate.

The Board noted the complainant’s concern that the woman appears to have been sprayed with liquid to look wet and considered that whilst the woman’s skin does glow in the Board’s view this would be consistent with having worked up a sweat whilst exercising.

The Board considered that overall the images of the man and the woman are not sexualised or inappropriate and that they did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

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

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