



Case Report

1	Case Number	0069/11
2	Advertiser	Bardot Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Transport
5	Date of Determination	09/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A woman laying on a rug wearing jeans, shoes and jewelry. She is lying on her side and her right arm and the fluffy rug are covering her bosom.

THE COMPLAINT

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

- I find the advertisement offensive - that a half naked woman is used to sell jeans. It sends an unhelpful message that this is in some way attractive and acceptable public behaviour*
- 1. I didn't think Bardot was the type to portray such a woman - my perception of the label was classy and sophisticated but to me this advertisement spells cheap and nasty.*
 - 2. I think it borders on nudity as it certainly gives the hint loud and clear and leaves no room for the imagination.*
 - 3. It is on a bus!!! Children driving home from school in their cars are not protected/have little choice from seeing such a sight - this type of abrupt advertising desensitizes us all to the sacredness of a woman's body.*
 - 4. It made me feel shocked and angry that a label that I once regarded highly would stoop so low as to produce something like this - it does not invite young women towards purity and being naturally beautiful. It made me feel like telling all the young women at the three schools I work at to NOT BUY BARDOT!!!*

You cannot escape bus advertising because you stop at the lights and you are confronted with it. I have 3 primary aged children who I regularly drive to school/sports etc. It is very inappropriate for them to be confronted with sexualised advertising such as this. The woman is wearing no shirt, is lying down in a provocative pose with no top on, and partially covering her breasts only with her arms. It is very uncomfortable for my children who know it is not something they should be seeing and don't know where to look. It also portrays women as sexual objects when I am trying to teach my sons to view and treat women with respect and to teach my daughter that her value doesn't lie in her outward appearance and to be modest. When I see ads like this I feel like where I live is not a safe or wholesome place for my children to grow up. I am a responsible parent who is very careful about TV viewing/internet but then large ads like this are put right in front of them on a daily basis. If advertisements are to be displayed in public places then they should be appropriate for everyone to see.

THE ADVERTISER'S RESPONSE

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

The Bardot ad was to highlight our new season jeggings (jeans with a denim look and legging feel) and how amazing they look. She's not wearing a top to draw attention to the jeggings.

In reference to the complaint:

Given there is no nudity other than a bare tummy, shoulders/arms and mid-drift (which are all acceptable to show bare in public places) I'm struggling to see how the public can be offended by the creative. The woman is wearing more than you'd see in an underwear or bather advertisement and the intention to draw attention to the jeggings, which is the key selling point for us, shouldn't be treated any differently to an underwear company trying to sell underwear.

In reference to the complaint received on 17 February

The complaint comes across as very emotional and not very specific. Certainly the intention behind the creative was not to make the woman 'look evil and like she is out to attack someone'.

I have no comment on her perception of Bardot and how her perception of the brand has changed.

The complaint highlights that the ad 'borders' on nudity which is a blurry claim to make. It either is or it isn't and that is why it is not offensive. I think there is a clear boundary here, one we have not crossed; in no way can you see the woman's breast. In my opinion there is plenty 'left to the imagination'.

In regards to children sighting the ad, I am sure they see more women with fewer clothes on at the beach. In no way is the woman's body in harm's way or being mistreated so I do not know how it could desensitise people to the sacredness of a woman's body.

We did not mean to offend anyone or make them 'shocked and angry'. I do not see how this ad does not 'invite woman towards purity and being naturally beautiful', if anything she's only wearing jeans and shoes and still looks amazing - very natural in my opinion.

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 image of the woman lying down with no shirt on is inappropriate and unnecessarily sexualized, particularly for the back of a bus.

The Board reviewed the advertisement and noted the advertiser’s response that ad is intended to highlight the new season jeggings (jeans with a denim look and legging feel). The model is not wearing a top to draw attention to the jeggings.

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 that the image is on the back of a bus and is able to be seen by a broad audience.

The Board considered that while some members of the community may find this advertisement to be inappropriate, the images of model posing wearing the product was relevant to the product.

The Board considered that while the ad does depict some nakedness, the nudity does not expose any private areas at all. The Board noted that the model’s breasts are not visible and her pose is only mildly sexually suggestive.

Although available to a broad audience, the Board determined that the advertisement was not sexualised, did not contain inappropriate nudity and 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.

