



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0114/11
2	Advertiser	Guess - Busbrand Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	13/04/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Image of model in blue striped bodysuit leaning forward and resting on a bathroom unit holding a lipstick and wearing high heels.

THE COMPLAINT

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

I think the image depicted would come into the realm of pornography and shouldn't be on public display where the general public have no choice but to view it.

THE ADVERTISER'S RESPONSE

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

This is part of our Spring 11 campaign and the model in the shot is wearing a body suit which will be available for sale at our GUESS stores.

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 features inappropriate images of women and can be viewed by everyone.

The Board viewed the advertisement and noted the advertiser’s response.

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 advertisement features an image of a woman in a bathroom, wearing a bodysuit and holding a lipstick, leaning forward supported by the vanity unit. The Board noted that the top of the woman’s legs were visible – although from side on.

The Board considered that the woman was not nude and that the exposure of the side of her legs and arch of her bottom was not sexualised and was not sexually suggestive. The Board noted that the size of the billboard meant that the relevant audience was very broad and could include children.

The Board considered that the image was relatively mild and unlikely to be considered sexualised by most members of the community.

The Board also noted that in the advertisement part of the woman's body is reflected in the mirror. This part of the advertisement depicts a view between the woman's legs. The Board considered that this image, if clearly visible, was inappropriate for a broad audience. However the majority of the Board considered that this part of the advertisement is very difficult to see, is not a focus of the advertisement and is unlikely to be noticed by most people viewing the advertisement. The Board considered that most members of the community would not find the advertisement as a whole offensive and that the advertisement 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.

