



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

1	Case Number	0129/14
2	Advertiser	Regal Marine Pty Ltd
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV
5	Date of Determination	09/04/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

The spot opens with a medium-close shot of a bikini-clad female holding a fishing rod. The voice over asks "Got your attention?" This is followed by a man pulling up an anchor by hand, saying "Why do this...?", then another man (who is an employee of Regal Marine, and not, as suggested by the complainant, a homeless man) promoting winch kits, inflatable life preservers and other fishing related items. It is noted that on 29 March 2014 Regal Marine are having a "garage sale" of stock. The spot ends on a caption with the address and contact details for Regal Marine.

### THE COMPLAINT

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

*The TV advertisement started with a Woman's backside then proceeded to a screen with a homeless man in a fishing shirt saying "got your attention yet" I was offended by this as it upset my girlfriend who thought it was offensive that there wasn't a mans backside alongside the women and then was wondering why there was not a homeless women alongside the homeless man wearing the fishing shirt. After some consideration she was correct about the backside not so much about the homeless women thing that's just crazy.*

### THE ADVERTISER'S RESPONSE

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

*2.1 The TVC does not portray people 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.*

*2.2 Whilst the TVC does contain material which might be considered by some people to employ sexual appeal, in that it includes a shot of the torso of a woman in a bikini holding a fishing rod, it does so in a cheeky and light-hearted manner, and is clearly not done in a manner which is exploitative and degrading of any individual or group of people (in this case the group of people being women). The accompanying audio "Got your attention?" indicates that the image is merely intended to be an arresting one that stands out amongst the rest of the sponsorship announcements on the station, with the aim of focussing viewers' attention on the product promotion which follows. We would also note here that the complainant states that "my girlfriend thought it was offensive that there wasn't a man's backside alongside the women (sic)" suggesting that it wasn't the appearance of a female in the TVC that was offensive, but the lack of a similarly clad male. To this end, we have prepared an alternative version of the Regal Marine spot which includes both a male and female torso, and we would welcome the Bureau's comments on the compliance or otherwise of this version of the TVC which, taking the comments of the complainant seriously, they would not have found offensive and about which they would not have complained.*

*2.3 There are no acts of violence in the TVC.*

*2.4 The TVC does not portray sex or sexuality. None of the people seen in the TVC are portrayed as partaking in a sexual act. The TVC does not include any graphic nudity, although there is an amount of uncovered flesh.*

*2.5 No strong or obscene language is used in the TVC. The phrase "ship-load" is used once.*

*2.6 The TVC does not depict material contrary to Prevailing Community Standards on health and safety.*

*Other matters*

*(a) The TVC in question promotes a "garage sale" at Regal Marine being held on 29 March 2014. Consequently this particular TVC is no longer screening.*

*(b) The complainant's actual complaint does not genuinely fall within any of the parameters of Section 2 of the AANA Code of Ethics. The complaint as written by the complainant does not specify any breach of part of the AANA Code of Ethics. They instead claim to find it offensive because "there wasn't a man's backside alongside the women (sic)". The references in the complaint to one of the Regal Marine staff being a "homeless man" and the further irrelevant musings on homeless men and women tend to also suggest that this complaint has not been genuinely made in good faith and with serious intent.*

*(c) We note that the ASB has requested a full response to the entirety of Section 2 of the AANA Code of Ethics without first seeing any evidence that this level of response is genuinely warranted or even whether the complaint is valid. Given that in this case the ASB is dealing with a medium-sized business trader and a community based broadcaster, this places an undue regulatory burden on both the business and the station to respond to a broad range of issues, many of which are entirely irrelevant to this complaint. It would be a much more sensible arrangement if the ASB first requested a copy of the TVC, upon viewing of which the ABS could determine the exact areas which are of relevance to the complaint investigation, and invite comment only on those relevant points.*

## **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 concern that the advertisement is offensive to women as it shows the backside of a woman to get the attention of the viewer.

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

The Board 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 advertisement starts with a close image of a woman’s bottom in underwear as the voice over asks the question “got your attention?” The woman is shown holding a fishing rod. The advertisement then proceeds to show two men detailing some of the stock available in store and provides the details of the sale being offered and the contact details of the store.

The Board noted that in order to be in breach of this section of the Code the use of sexual appeal in the image of the woman would need to be both exploitative and degrading.

The Board noted that it had previously upheld a billboard advertisement for Aussie Boat Loans (ref: 0517/10). In this case the Board noted that “there is no relationship in this advertisement between a woman in a bikini and the product or service being advertised. The Board also noted that the advertisement comprises the image of a woman posed in a bikini, without a head or any identity, and that the text accompanying the image suggests that a boat loan should be as good as a woman’s body.”

The Board noted that in the decision above, the billboard showed the front of the woman in a skimpy bikini and the text was a direct comparison between the loan and the woman’s body.

The Board considered that in the current advertisement the depiction of the woman’s bottom is very fleeting and the use of the image in connection with a female voice saying “got your attention?” is an old-fashioned marketing concept intended to draw the attention of the viewer to the product promotion following. The Board considered that although there is only little relevance to the fishing equipment, the image did not amount to a depiction of that would be considered both exploitative and degrading to women.

The Board noted the complainants concerns that the advertisement should feature a male backside as well. The Board noted that it cannot consider imagery that is not presented before them and that the consideration of the advertisement is based only the advertisement as it exists.

The Board determined that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading and did not breach Section 2.2 of the Code.

The Board 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 that the woman’s backside is completely covered and there is no inappropriate nudity and the woman is not posed in a suggestive or sexualised position.

The Board noted that the advertisement was aired on a special interest channel of a community based broadcaster. The Board noted that sponsorship announcements broadcast on community television services do not need to be CAD classified.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.