



Case Report

1	Case Number	0140/12
2	Advertiser	Nena & Pasadena
3	Product	Clothing
4	Type of Advertisement / media	Internet - social
5	Date of Determination	24/04/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.3 - Violence Hooliganism-vandalism-graffiti
- 2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

Short video on the Nena and Pasadena website which opens on a newspaper featuring a naked woman on one page. We then see a male model walking around a derelict building, smoking a cigarette and spraying graffiti on the walls. There are also close ups of the newspaper and we see a man and woman pictured on one page apparently engaged in oral sex.

THE COMPLAINT

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

At several points the ad flicks to newspaper ads with pornographic images. One is a full-frontal naked woman posed. Another is an act of oral sex. Using pictures of naked women or soft core pornography to sell a completely unrelated product (t-shirts) with the target market being young men sends the message that women's value is in their hot, naked bodies as sexual objects for men's use. This is both sexist and offensive to women.

The model in the ad is also smoking a cigarette. Advertising smoking is illegal. Nena and Pasadena have already been investigated and had printed t-shirts banned for images glamorising smoking. They are well aware of tobacco laws and that it is illegal to advertise smoking yet they continue to do so in an attempt to appear 'edgy'.

The model also spray paints the wall. This is an illegal activity. The government spends large amounts of money on anti-graffiti campaigns and highlighting the cost to tax-payers. This ad makes graffiti look cool.

THE ADVERTISER'S RESPONSE

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

No response received from advertiser.

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 objectifies women, endorses graffiti, features nudity and a sex act and depicts a man smoking.

The Board reviewed the advertisement and noted the advertiser had not provided a response.

The Board considered whether the advertisement complied with Section 2.2 of the Code which 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 features scenes showing a newspaper which has a naked woman on one page. The Board noted the pose of the woman and that the advertisement depicted is for a gentlemen's club and considered she was not presented in a manner which could be considered exploitative and degrading.

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 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the advertisement shows a male model spraying paint on an already graffiti-covered wall. The Board noted that the model was in a derelict building which was full of rubbish and graffiti and considered that whilst it would not normally condone graffiti, in this instance the building is clearly not being used and the man's actions are in the context of looking edgy for the advertisement.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 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”.

The Board noted that the newspaper shown in the advertisement features a naked woman and considered that a full frontal nude shot of a woman is not acceptable in an advertisement for clothing. The Board also noted that there are also close ups of another page in the newspaper entitled, “intimate personal ads” which show a man and woman apparently engaged in oral sex. The Board considered that both the image of the naked woman and the image of the man and woman are highly sexualised and do not treat sex, sexuality and nudity with sensitivity to the audience. The Board noted that the advertisement appeared on the advertiser’s home page on the internet and considered that the images are still highly sexualised for that limited audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement features a male model smoking a cigarette. Consistent with previous decisions (521/10, 131/11) the Board considered that the advertisement glamorises smoking and that a depiction of smoking in this manner is clearly contrary to community standards on health and safety regarding smoking.

The Board determined that the advertisement did breach of Section 2.6 of the Code.

Finding that the advertisement breached Sections 2.4 and 2.6 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

I write in response to decision put forward by the Advertising Standards Board. Our apologies for the delay in responding but this time of year is very busy for us. I would like to confirm that we will removing the video from the Vimeo website as soon as possible.

