



Case Report

1	Case Number	0146/11
2	Advertiser	Muscle Marketing and Advertising
3	Product	Real Estate
4	Type of Advertisement / media	Print
5	Date of Determination	11/05/2011
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

The image of a woman lying on the kitchen bench top of a property for sale in Rushcutters Bay advertised in the Domain Real Estate insert of the paper - March Edition 2011.

THE COMPLAINT

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

Offensive positioning of a woman in very erotic pose on the kitchen bench top. This advertisement purports to be selling terrace houses. I am a woman and find this extremely demeaning and offensive to women. It is objectifying women and is, apart these comments, totally unrelated to the product being sold.

THE ADVERTISER'S RESPONSE

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

We would like to add that consideration should be given to the fact that only one consumer of a combined readership of 283,000 (SMH Domain East: 213,000 and Wentworth Courier: 70,000) complained and the ad was run four times. However with that said we do not intend to run this ad again.

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 is demeaning and objectifies women.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ...sex...”

The Board noted the advertisement is an image for a property in Rushcutters Bay, which features a woman lying on a bench top and includes the text “Drop Dead Gorgeous”. This phrase was considered by the Board to be a common one used to denote beauty or attractiveness.

The Board considered that the depiction of the woman in this advertisement is mildly sexualized and does not have any particular relevance to the property being sold. However in the Board’s view, a clear link can be made between the “gorgeous” characteristics of the property and the appearance of the glamorous woman featured in the kitchen. The Board considered that the woman is not objectified and that this depiction does not amount to discrimination against or vilification of women.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of sex. 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 2.3 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 agreed that some members of the community may be offended by the depiction of the woman in the advertisement and considered that the pose was mildly sexualised with no nudity.

The Board noted that it had previously considered advertisements featuring women in sexualized poses and that the use of such images has at times been a divisive issue for the community. The Board noted that the advertisement is placed in a real estate section of a newspaper and is targeted to an adult audience. The Board considered that the advertisement did treat sexuality with sensitivity to the adult audience likely to view the advertisement.

On this basis the Board determined 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.