



Case Report

1	Case Number	0164/14
2	Advertiser	Think Education Group
3	Product	Education
4	Type of Advertisement / media	Billboard
5	Date of Determination	28/05/2014
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 image was taken from a photo shoot held in one of Think Education's campuses and features current students slumped over desks looking uninspired. A pink text box reads, "Not what you thought. To find a course that's more stimulating enrol at one our THINK colleges. Visit think.edu.au/you".

THE COMPLAINT

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

There are girls depicted in the billboard in various reclining positions. On the right is a reclining dark skinned girl. All the figures look like sim characters. This girl in particular though has a very short leather skirt on which seems to expose what looks like an air brushed ending of the legs...the impression being of a hair free vagina. This character's expression is also dream like and coupled with her recline position and exposed midriff creates a sexual vision which is inappropriate to the subject matter. Firstly it offends me that this billboard shows covert attempts to sexualize and that it stigmatizes dark skinned girls as overtly sexual, rather than the more studious other female characters on that billboard.

THE ADVERTISER'S RESPONSE

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

Thank you for allowing us to address the complaint. We would like the board to consider the information below before making its decision. We wish to express that we do not consider the Advertisement to in any way be in breach of any part of Section 2 of the AANA Advertiser Code of Ethics or the AANA Code for Advertising and Marketing Communications to Children (the advertisement is not directed to children aged 14 years or younger). In accordance with Section 2 of the Advertisers Code of Ethics, we feel the advertisement on Wynyard Station Platform 3 is entirely appropriate in the context of our business. Think Education is committed to upholding the standards of the Code in its advertising and appreciates your review of our response to this complaint. We appreciate the concern of the complaint and respectfully believe it should be dismissed.

SECTION 2 CONSUMER COMPLAINTS

2.1 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Comment:

We consider that the advertisement is appropriate for and reflective of our target market of 18 to 30 year olds and would not offend the sensibilities of the general public within the context of an advertisement for college/TAFE/university education. The inclusion of students of different races (such as the dark-skinned girl) positively represents the multicultural diversity of the Australian education system. There are no various 'levels of studiousness' or 'levels of sexuality' being shown. It does not discriminate, vilify, or stigmatize students for any reason.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

Comment:

The reclining position of the people in the image, and their dream-like/sleepy/staring into empty space expression, are in line with the intent of the advertisement which is to show boredom in a classroom environment. The students wore their own clothing which represents what students typically wear to class. The girl on the right (which is the subject of the complaint) is not the only girl wearing a skirt. The exposed midriff is simply the natural result of the girl stretching her arm across the chair beside her. The inclusion of students of different races positively represents the multicultural diversity of the Australian education system. None of the above points relate to employing sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

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

Comment:

Not applicable. There is no violence presented or portrayed.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Comment:

The reclining position and dream-like/sleepy/staring into empty space expression of the girl on the right (which is the subject of the complaint) is in line with the vision of boredom in a classroom environment. The exposed midriff is simply the natural result of the girl stretching her arm across the chair beside her. It is not a sexual vision. The inclusion of students of

different races (such as the dark-skinned girl) positively represents the multicultural diversity of the Australian education system. There are no various 'levels of studiousness' or 'levels of sexuality' being shown. It does not stigmatize them for any reason.

The dark-skinned girl wore her own clothing which represents what students typically wear to class. The 'exposed air-brushed ending of the legs' referred to in the complaint is simply the shadow of the skirt on her legs, the result of the lighting used in the image. There is no impression of a hair free vagina nor exposition of any private parts.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

Comment:

Not applicable. There is no strong or obscene language used.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Comment:

Not applicable. There is no depiction of material contrary to Prevailing Community Standards on health and safety.

Any additional material you choose to submit, including agency and/or legal advice where it has been obtained in relation to preparation of the advertising material, the placement and the duration of the advertisement:

Think Education prides itself in being an educator of choice for all and we uphold our high education standards with rigour throughout our organisation. Our students represent the true diversity of the Australian nation and are treated equally. Our values speak to student empowerment and choice. This advertisement was developed with our values at the forefront and was designed to be representative of the current student population.

Media placements:

Placement Type: APN Outdoor Transit Sydney – Cross Tracks 6'3

Location: Wynyard Station Platform 3

Booked Duration: March 23 2014 – May 11 2014

Campaign site: www.think.edu.au/you

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 depicts an image of a dark-skinned girl that exposes her genitals in a manner which stigmatizes dark-skinned girls and is inappropriate.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted the image features a group of students from a variety of cultural backgrounds posing in a manner which suggests they are bored or uninterested in what they are learning.

The Board noted the complainant's concerns that the white skinned girls in the advertisement are depicted as studious the dark skinned girl is portrayed in a sexual manner.

The Board noted the advertiser's response that the people in the advertisement are current students and were wearing their own clothes and considered that all the students are presented as equals in their boredom and that the dark-skinned girl is not singled out as different to her peers based on her looks, appearance or race.

The Board considered that the advertisement did not portray or depict material in a way which discriminated or vilified a person or section of the community on any account.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 that in order to be in breach of this section of the Code the image would need to be both exploitative and degrading.

The Board noted that all the students are depicted in a manner which is consistent with their ages and appearance and considered that no person in the advertisement is presented in a particularly sexualised manner.

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 the complainant's concerns that the dark-skinned girl's skirt is so short you can see what appears to be her vagina. The Board noted that whilst the girl's skirt is short it clearly stops at her thighs and considered that there is no exposure of her genitals. The Board noted that whilst there is some shadowing visible the Board considered that this was intended to be the shadowing caused by the girl's skirt and was not intended to suggest the girl's genitals.

The Board noted that all the people in the advertisement are wearing clothing appropriate to their age and demographic and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board 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.