



Case Report

1	Case Number	0202/11
2	Advertiser	Guess - Busbrand Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	22/06/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

Guess logo with on one side an image of a female wearing a stripy top with a large bag over her shoulder and one of her legs is kicked up so we can see her shoe. On the other side is an image of a female lying on her back with her legs bent. Her legs are bare and she is wearing strappy high heeled shoes.

THE COMPLAINT

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

Driving at 80kms/hr I was completely shocked at what flashed above me. The unnecessary nakedness and provocative poses in these photographs has the potential to cause a car accident to say nothing of the highly offensive nature of using young women in near naked (lower body) poses to sell any products - this is so distracting it's actually hard to see what the product is. I think this advertisement degrades women and has nothing to do with the features and benefits of the handbags, and goes a long way to 'normalising' sex as a way of selling products: I believe this offensive to all women and I was embarrassed for myself and my male passenger. I also don't think children should be exposed to this type of sexually suggestive material.

THE ADVERTISER'S RESPONSE

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

The image on the left is the same image which we received the complaint about previously which was dismissed by the ad board (114/11). Both images are part of our Spring 11 campaign and the models are featuring products that we sell in our GUESS stores. This billboard is no longer up and has been removed.

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 images of women which are offensive and sexually provocative.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement on the left of the billboard featuring an image of a women in a bathroom, wearing a bodysuit and holding a lipstick, leaning forward supported by the vanity unit has already been considered and dismissed (case reference: 0114/11).

The Board noted that the advertisement on the right of the billboard features a woman lying back with her bare legs raised and high heels on.

The Board noted the complainants' concerns that the advertisement objectifies women. The Board noted that the model is clearly wearing clothing and that the image used is directly relevant to the product being advertised. The Board considered that although the women were posed in unusual positions the images are not degrading to women.

Based on the above the Board determined that, in this instance, the advertisement did not objectify women and did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: '...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 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 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 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.

The Board noted that the advertisement has been removed.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.