



Case Report

1	Case Number	0211/17
2	Advertiser	Three60
3	Product	Real Estate
4	Type of Advertisement / media	Billboard
5	Date of Determination	24/05/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Site for the Cirrus construction site featuring a combination of 3D renders of the development and a female talent photographed in misty clouds. She appears to be naked and is covering her breasts with her arms.

THE COMPLAINT

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

The image of a topless women trying to cover her boobs with her arm has no relevance to the product being sold, apartments. The image is sexual objectification of women and as a woman I find it extremely offensive. You would never see a picture of a male trying to cover his genitals to sell such a product.

THE ADVERTISER'S RESPONSE

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

The image of our female talent photographed in a shroud of mist is a foundation element of the Cirrus branding and therefore it is absolutely relevant to the project.

The term “Cirrus” defines a high altitude cloud of a class characterised by thin, white filaments or narrow bands. The thin form of Cirrus clouds and their presence in the higher regions of the atmosphere are a direct reference to the tall and narrow form of the building’s architecture.

The high altitude nature of Cirrus clouds also directly references the idea that the building will be one of Canberra’s tallest, high-rise residential developments.

Three60 was appointed by Per Se Developments to create a visually compelling and emotive identity program and advertising campaign for the mixed precinct development which is intended to inspire an elevated, artful and sophisticated connection with the Belconnen community and visitors.

The Cirrus campaign features a series of artful portraits depicting a female lost in the abyss of a cloud. The female talent we photographed is over the age of 18 and the images were captured by renowned art and beauty photographer Justin Cooper.

In reference to section 2 of the code and the complaints raised in relation to our Cirrus campaign concerning 2.1 Discrimination or Vilification Gender, 2.2 Objectification Exploitative and Degrading women and 2.4 Sex/Sexuality/Nudity; our response is as follows:

2.1 – We do not believe the images of our female character discriminate or vilify against any segment of the community

2.2 – We do not believe the image in question is objectifying, exploiting or being degrading to women. The images are tastefully and respectfully photographed to capture a beautiful, artful and ethereal moment that evoke a calm, dream-like state of being.

2.4 – The images do not depict sex or sexuality and they do not display any sensitive areas of the body. The image in question does show our female character covering her breast with her arms but this is not a sexualised pose nor does it infer any sexual undertones. By parity, there are several fashion, beauty and body care advertising campaigns that employ a similar pose in their campaign imagery that is targeted to female audiences and that are deemed appropriate for public display. The Cirrus campaign images featured on the hoarding are intended to transform what would typically be an unsightly construction site into a public art space with the presentation and curation of considered artistic imagery.

Further to the above mentioned points, I would like to note a ruling by the Advertising Standards Board with the case number 0080/15 whereby the complaints raised against an advertising campaign for Calvin Klein were dismissed which featured imagery far more suggestive than the Cirrus campaign imagery.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement is sexually objectifying

women and has no relevance to the product.

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 that this billboard advertisement features a seemingly naked woman surrounded by clouds or smoke. She is leaning slightly back with her head directed upwards and her eyes closed. The woman has her right arm across her chest covering her breasts. The Board noted that this is just one image of a series of images around the development site and images of her are accompanied by the building company logo

The Board noted that the pose of the woman is in stylised and considered that it is not inappropriate for an advertiser to depict glamorous women in the promotion of a product or service. The Board also considered that in this instance a depiction of naked women is not of itself a depiction which discriminates against or vilifies women.

Overall the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and did not breach Section 2.1 of the Code.

The Board noted the complainant's concern that the image is sexually objectifying women.

The Board then 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: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

"Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people."

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the woman is side on to the camera and her full head and torso is shown. The Board acknowledged that some members of the community may find the use of a naked woman to be exploitative as there is no relevance to the advertised product. However in the Board's view the depiction is not debasing to women. In addition, in the Board's view the manner in which the woman is depicted, and the use of an image of a woman in conjunction with the construction work does not lower women in character and in the Board's view is not

degrading to this woman or to women in general.

The Board considered that the advertisement was not debasing or lowering in character this woman or women in general and therefore did not breach the provisions of Section 2.2.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people and did not breach Section 2.2 of the Code.

The Board then 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 use of a naked woman in the promotion of real estate is not directly relevant to the product however the artistic nature of the image is evident.

The Board noted that the woman is not wearing a top and that her naked breasts are covered by her own arm. The Board noted that the placement of the image on a large poster means that it is visible by a broad audience including children.

In the Board’s view, although the woman is naked she is not exposing her breasts and is posed in an artistic, stylised manner not in a sexual manner. The Board considered that the overall impression of this poster and the series is not of a sexual nature and the use of nudity in this 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.