



Case Report

1	Case Number	0223/16
2	Advertiser	Vitaco Health Australia Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	25/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a woman emerging from a pool as a man watches on whilst doing weight training. The man is caught staring at her. Someone snaps fingers in front of his face and he awakens out of his fixed stare. The woman is then seen lying down eating one of the protein bars.

THE COMPLAINT

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

This ad blatantly promotes the sexual objectification of women by drawing attention to both the female subject's breasts and buttocks and the gaze of the male subject as he stares at her - women are not sex objects. This ad promotes values and attitudes that say otherwise.

In these ways, the ad breaches the following AANA codes:

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.

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

THE ADVERTISER'S RESPONSE

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

I am disappointed to hear you have received a complaint regarding our “Naked Natural Protein Bars”.

The usage of talent is in very close connection with the text “No Naughty Bits” making a clear association between the image of the woman and the product being advertised, a food product without any “naughty bits”, i.e. nasty ingredients.

Although the focus of the image is on the girl, she is well covered, is not in a sexualised pose and the image does not include any explicit nudity. More importantly, the spirit of the ad was a light-mannered play on words supported by image.

As such we believe the content of the advertisement does not contravene the above sections of the code and recommend the complaint to be dismissed.

Please also note, that our campaign has ceased for this financial year.

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 promotes the sexual objectification of women.

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

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 the advertisement is for a health bar and features a woman wearing a wet suit exiting a beach side pool. The woman is being stared at by a man who is doing some weight training by the pool side. The man is seen in a fixed stare as he watches the woman

remove her wetsuit and then, with her back to him, her bikini top. The man is awakened from his fixed stare by the woman, now covered with a towel, clicking her fingers near his face. The woman is then seen lying on her stomach eating the protein bar. The product is shown on screen and is called 'naked.' The headline reads "no naughty bits."

The Board noted it had previously considered a complaint about the same advertisement when it appeared on Youtube in Case 0419/15. Consistent with the determination in that case, the Board noted that the woman is very aware of the man watching her. The Board noted that the woman is presented in a way that suggests she is enjoying the attention and does not appear concerned by his attention. The Board noted that the woman takes control as she snaps her fingers and the scenario presents a balance of power between the man and the woman as she takes an active role in the interaction between them. The Board considered that although the woman is presented as attractive, the advertisement is not using her sexual appeal in a manner that is exploitative and degrading 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 woman removes her bikini top with her back to the man, aware that he is watching. The Board agreed that this is a flirtatious and sexualised gesture but that she does not reveal her breasts and is seen covered immediately after with a towel. The Board noted that when the woman is lying down, it is evident that she is not wearing a top but noted that her breasts are not visible.

The Board noted that there is a connection between the product and in particular, the name 'Naked' and the depiction of the woman removing her top. The Board noted the reference to 'naughty bits' and agreed that this was both a reference to the exclusion of any 'naughty' ingredients from the protein bar and a reference to the woman. The Board considered that most members of the community would recognise the innuendo in the advertisement linking the woman to the bar but agreed that the innuendo was mild and not inappropriate.

The Board noted the audience for the advertisement would be limited to a Facebook community with an interest in this product.

The Board 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.

