



# Case Report

1	Case Number	0228/15
2	Advertiser	Michael Warshall Picturemaker
3	Product	Professional Service
4	Type of Advertisement / media	Outdoor
5	Date of Determination	10/06/2015
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

This large outdoor advertisement is displayed on the side of a building and features a close-up photograph of a woman's bottom. She is wearing black lace G-string style briefs and has her right hand resting on her exposed right buttock cheek. We cannot see her head or her legs. The text reads, The idea. The style. The shoot. The artwork. Michael Warshall Picturemaker."

## THE COMPLAINT

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

*The sign features a photo of a near naked woman's bum, portrayed in a highly sexual way. Not only is this studio in a suburb composed mainly of families with a large number of primary school children, the location of this image is on the main shopping street of Elsternwick near the corner of a busy intersection - a highly visible place. As a woman, I find the sexually subjectified aspect of this photo highly offensive and disrespectful.*

*As a mother of a 9 year old son, this image is unfortunately reinforcing a negative stereotype of women in which they are seen first and foremost as sexual objects, instead of as equals. As an Australian concerned with the high level of violence towards women in our society in the form of domestic violence, sexual violence and murder, this photo encourages the*

*normalisation of viewing women as powerless, sexual beings.*

*I'm disgusted and fed up with women being portrayed in this way.*

*Since Michael Warshall bills his photography business as specialising in 'portraiture', including family portraiture, and since the accepted definition of a portrait is a painting, photo or depiction of a person, ESPECIALLY OF THE FACE, Warshall's choice in using a nearly naked bum to symbolise his idea of a portrait of women is not only inaccurate but highly offensive and degrading.*

*While I am not objecting to Warshall's service in offering this style of photography to women, I am objecting to his use of this type of photo in such a highly public and visible space. I ask that it be replaced immediately with something more respectful to ALL women.*

*The photo shows no face, it is just a woman's bum in a provocative pose. It is degrading to the women in this suburb to have to be exposed to this. Its sexist and objectifies women.*

*A photographer who specialises in portraiture (face) with some 'glamour' photography. The billboard does not need to place the focus of his service on a woman's body (bottom). It's out of context with his main line of business, it's unnecessarily sensational and a cheap trick. The poster should be replaced with something more fitting the major source of his business.*

## **THE ADVERTISER'S RESPONSE**

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

*As an Artistic portrait studio, our objective is to tell our clients' stories.*

*These stories will vary from families coming together to couples and even singles all at different stages in life, all aiming at portraits that document and compliment the way they would like to see themselves.*

*The image of the female bottom wearing the stylish underwear is about giving our clients the confidence to be themselves as they can express themselves in a personal yet stylish and artistic manner.*

## **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 complainants' concerns that the advertisement features an image of a woman which focuses unnecessarily on her bottom and is sexualised.

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 this poster advertisement features a black and white image of a woman showing her lower back and bottom. The Board noted the woman is wearing g-string style

briefs and has her right hand resting on her right buttock cheek.

The Board noted that the advertisement is promoting a photography studio where people can commission portraits. The Board noted that whilst the image focuses on a part of a woman's body in the Board's view this does not suggest that all women should have their bottoms photographed or that men should not also have this part of their body photographed and considered that overall the use of this image in the context of the product or service advertised is not discriminatory against or vilifying of a person or section of the community. 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.

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 this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that the advertisement features a close-up image of a woman's bottom. The Board noted that the advertiser is a photography studio and that this is the image they have chosen to publicise their work. The Board considered that by using an image of a woman's bottom the advertiser is using sexual appeal to draw attention to their product. The Board considered that whilst a large image of a woman's bottom could be considered exploitative in the Board's view the image is artistic and not degrading.

The Board determined that the advertisement 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 advertisement features a black and white image of a woman's bottom and considered that whilst the woman is only wearing a lace g-string the shadowing of the image obscures any visible detail of the woman's genitals. The Board noted that the woman has a hand placed on her right buttock but considered its placement is not sexualised or inappropriate and the overall impression of the advertisement is artistic rather than sexual. The Board noted that this advertisement is a large poster/billboard on the side of a building and considered that the relevant audience is likely to be broad. The Board noted that this building is located in an area near a well-known brothel, The Daily Planet, and considered that in the context of an artistic image promoting a photography studio the level of nudity is not inappropriate for the area and the relevant broad audience.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaints.

