



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0230/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Centrefold Lounge/Men's Gallery</b>
<b>3</b>	<b>Product</b>	<b>Bars/Clubs</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/06/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## 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 advertisement is on a smart car and features an image of a woman wearing a bikini and high heeled shoes lying on her back and smiling at the camera.

## THE COMPLAINT

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

*I should not have to view explicit material whilst with my children during the day. Sexist, misogynistic and degrading. Inappropriate for day to me hours when children are around. The registration of the car is WNS967.*

## THE ADVERTISER'S RESPONSE

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

*Thank you for your email referring a complaint received in relation to a Smart Car. As we have submitted in the past, our venue advertising does not contravene acceptable community standards, the smart car in question has been on the road for 10 years and has*

*only generated one prior complaint six years ago in 2009, which was not substantiated. The images of girls in bikinis on our smart car advertisements are no more revealing than one would typically see for lingerie, shoes, and similar consumer items which are now commonplace on billboards, both static and mobile.*

## **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 explicit images that are sexist and degrading.

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 vehicle advertisement features images of different women in bikinis or underwear. The sides of the vehicle have larger images of the women in a reclined position and on the front there are smaller images of two women on their knees, photographed from behind wearing g-string underpants and high heels. Their faces are turned to the viewer. The Board noted the advertisement is typical of the imagery used to advertiser gentlemen’s lounges and similar venues. The Board noted that the women are portrayed as confident and empowered.

The Board considered that although the women are scantily clad, they are not portrayed in a way that discriminates or vilifies a person or section of the community on account of their gender and did not breach section 2.1 of the Code.

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 the images are consistent with adult entertainment advertising and that it is not unreasonable for advertisers to use attractive models in promotions of their products. The Board noted that the models are looking toward the viewer and appear confident and in control. The Board considered that although the models are scantily clad, the use of women in bikinis or lingerie in imagery such as this does not necessarily amount to a depiction that is exploitative and degrading and in this case considered that the overall tone is one of sexiness and seductiveness but does not amount to a depiction that is exploitative and degrading and does not breach Section 2.2 of the Code.

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 considered the advertisement is advertising a gentleman's club and that the images of the women are relevant to the advertised product. The Board noted that the women in the advertisement are scantily dressed but that the depictions are not inappropriately sexualised and there is no nudity. The Board noted that as the images appear on a vehicle, it is likely that they will be viewed by a broad audience that would include children.

The Board also noted that the product has an adult theme and the advertisement was consistent with the product, which the advertiser has a right to advertise. The Board considered that as there is no inappropriate nudity and the women are covered by their bikinis, the advertisement did treat 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 complaint.