



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0237/18</b>
2	<b>Advertiser</b>	<b>Windsor Smith Pty Ltd</b>
3	<b>Product</b>	<b>Clothing</b>
4	<b>Type of Advertisement / media</b>	<b>Billboard</b>
5	<b>Date of Determination</b>	<b>09/05/2018</b>
6	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement depicts a woman from the waist down wearing sequined black boots and a black leotard.

## THE COMPLAINT

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

*The very naked buttocks! Very inappropriate. Also objectification of women. How does this kind of thing even get posted by the companies who provide the advertising space? Clearly too far and really needs to come down ASAP in all locations.*

## THE ADVERTISER'S RESPONSE

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





#### *A description of the Advertisement*

*A woman in a leotard, wearing her sequin high boots inspired by the 80s-dance scene (ie flashdance and fame), from where the boots where also inspired from. This advertisement was in-line with our high fashion campaign in-line with Virgin Australia Fashion week, where the shoes were launched. This image is one of a kind at Melbourne Central and will be removed and replaced on the 14th of May.*

*Your comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes) - 2.1 - Discrimination or vilification · 2.2 - Exploitative or degrading · 2.3 – Violence 2.4 - Sex, sexuality and nudity · 2.5 – Language · 2.6 - Health and Safety . 2.7 - Distinguishable as advertising We believe there is no sexual or degrading nature to this image as we are advertising a woman in a pair of boots, which is the main focus of this billboard. This is a very regular uniform for dancers around the world and the leotard is simply a prop to extend to the public our inspiration behind our design*

#### **THE DETERMINATION**

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainants’ concerns that the advertisement featured nudity and objectified women.

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

The Panel noted that the advertisement depicts a women from the waist down. She is wearing a black leotard and sequined boots.

The Panel 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 or degrading of any individual or group of people.”

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

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.



The Panel noted the complainants' concerns that the advertisement objectifies women.

The Panel noted the advertiser's response that the advertisement was not sexual or degrading in nature.

The Panel first considered whether the advertisement contained sexual appeal. The Panel considered that the focus on the woman's legs and buttocks was a depiction which clearly contained sexual appeal.

The Panel then considered whether the advertisement employed sexual appeal in a manner which was exploitative.

The Panel noted that the definition of exploitative included "focussing on their body parts where this bears no direct relevance to the product or service being advertised."

The Panel noted that the advertisement focused on the legs and buttocks of the woman.

A minority of the Panel considered that this focus was relevant to the product being sold, boots, and considered that the depiction of the woman in a leotard was consistent with the 80's 'Flashdance' style of the boots.

The majority of the Panel considered however that the focus of the advertisement was on the top of the woman's buttocks, and that this was not directly relevant to the product being advertised. The majority of Panel considered that the lighting on the woman's legs and buttocks highlighted this area and drew the eye away from the boots and lower part of the woman's legs.

The majority of the Panel considered that the depiction of the woman in a leotard that exposed a large amount of the woman's buttocks was unnecessary and not directly relevant to the boots being sold.

The Panel determined that the advertisement did employ sexual appeal in a manner which was exploitative of the woman in the advertisement and did breach Section 2.2 of the Code.

The Panel 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 Panel noted that the advertisement was a billboard and therefore the relevant audience would be broad and likely to include children.



The Panel considered that the complainant's concern that the advertisement features a very naked buttocks.

The Panel noted that the woman in the advertisement was wearing a leotard and was not naked.

A minority of the Panel considered that the advertisement was inappropriately sexualised because of the focus on the woman's buttocks.

The majority of the Panel however, considered that the pose of the woman was not sexual, and that the depiction of the woman in a leotard and boots was consistent with a dance costume and was not overly sexualised or inappropriate for a broad audience which would include children.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement breached Section 2.2 of the Code the Panel upheld the complaints.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Advertiser confirmed advertisement had been removed.