



Case Report

1	Case Number	0239/15
2	Advertiser	Urban Purveyor Group
3	Product	Bars/Clubs
4	Type of Advertisement / media	Transport
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

There are three adaptations of the same concept (two featuring a female model, the third features a male). The advertisement under complaint depicts two women: one on the left side dressed in very traditional Bavarian dress (a dirndl), the one of the right side shows the same model in a more modern interpretation of Bavarian dress (a blouse). The text reads, "Classic v Modern. New menu. Stick to what you know or try something new. Bavarianbiercafe.com".

THE COMPLAINT

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

Boobs falling out of a blouse has nothing to do with German food.

THE ADVERTISER'S RESPONSE

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

Due diligence via Approval Process

All of the creative was put through the standard signoff procedures with numerous outdoor

media vendors including APN prior to posting. They deemed the material to be appropriate for advertising.

Response to the complaint:

To whom it may concern,

Thank you for your enquiry and we certainly appreciate the concern, however we strongly believe that the complaint comes from a misconception of the advertisement. The complaint notes that: "The visuals are suggesting that the old more covered up female waitress is now being replaced by the provocative modern female." This is actually the exact opposite. The heritage of Bavarian Bier Café has always been synonymous with traditional Bavarian Fare and this will continue to be the case. The traditional side of the menu is not being replaced but rather will remain and new more modern dishes are being added alongside the classics. Therefore the representation of the models (2 females, 1 male) are dressed in a way that shows the contrast.

The new menu directly relates to the advertising as we feature Old Bavarian Classics side by side with New Modern Favourites. The traditionally dressed model on the left side of the advertisement represents the Old Bavarian Classics and the modern representation of Bavarian dress on the right side is meant to represent the New Modern Favourites. We feel that both are represented accurately and are in accordance with good taste across both the female and male versions of the advertisement.

Furthermore, in no way is there any implication that the female waitresses have been changed. In fact the uniform has not changed and has remained the same as it was before. We also want to make note that the male representation is portrayed in exactly the same way to keep consistency of the Classic vs Modern message.

Overall, when looking at the advertisements, the holistic campaign and the menu itself it is clearly evident that both female and male versions are consistent to the message that Bavarian Bier Café is retaining the traditional Bavarian fare that it is known for while adding some new dishes as well.

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 is sexist and demeaning in its depiction of women being displayed as items to choose between, and that the focus on the women's breasts constitutes objectification of women.

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 outdoor advertisement features an image of two women wearing

different styles of dress – traditional and modern Bavarian style clothing – and the text, “Classic v Modern New Menu. Stick to what you know or try something new”.

The Board noted it had recently considered similar complaints against this advertiser in case 0184/15 where:

“The Board considered that there was a clear connection with the style of clothing and the type of venue.

The Board noted the complainant’s concern that the image of the woman is degrading and offensive.

The Board noted that the blouse of the women is low cut and that the cleavage of the women is significant. The Board considered that the style of dress was consistent with the traditional style of clothing and noted that although there was cleavage visible, the women’s breasts were not exposed.

The Board noted that the woman is smiling and has an open and happy face and she is not posed in a sexual way.”

In the current advertisement the Board noted the complainants’ concerns that the text of the advertisement suggests that the women are on the menu and can be chosen. The Board considered that the style of clothing the women are wearing is intended to be reflective of the menu choices but that the advertisement does not suggest that the women themselves can be chosen. The Board noted the size and font of the text and considered that the prominence of the phrase ‘New Menu’ draws attention to this aspect of the advertisement: the promotion of a new menu which will sit alongside the existing traditional menu. The Board noted that the women’s clothing is consistent with traditional and modern styles of dress and considered that consistent with its previous determination the advertisement does not present or portray 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 women in the advertisement are clothed. The Board noted that some members of the community would prefer that women not be used to promote products in this manner but considered that the image of the women is consistent with the type of venue being promoted and the women are not posed in a sexualised manner.

The Board noted the complainant’s concern that the advertisement focuses on the woman’s breasts. The Board noted that whilst the woman on the right is showing some of her cleavage in the Board’s view the focus is not on this part of the woman’s body but on both women as a whole and that overall the advertisement is not exploitative and degrading of women.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading towards women.

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 woman on the right of the advertisement is wearing a top that accentuates her bosom. The Board noted the woman’s nipples are not visible and considered that the level of breast visible is not inappropriate. The Board noted that part of the woman’s shirt is undone and her midriff is exposed but considered that the woman’s clothing and her

pose are not sexualised and the overall level of nudity is mild and not inappropriate for a broad audience which would include children.

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.