



## Case Report

1	Case Number	0240/11
2	Advertiser	Unit
3	Product	Clothing
4	Type of Advertisement / media	Transport
5	Date of Determination	13/07/2011
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.3 - Sex/sexuality/nudity     Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

Advertisement on the side of a bus featuring a woman in a black bikini sat astride a bike.

### THE COMPLAINT

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

*The advertisement was overtly sexual in nature and it was blown up to take up the entirety of the back of the bus.*

*The advertisement was of a young blond woman was sitting astride a motorbike having a posture such that her breasts were placed forward making her scantily clad breasts the focus of the middle of this large ad. Her face was pointed upwards and her lips were pouted and slightly parted. Her thigh was placed on the bike astride in such a way that in my view was highly sexually suggestive.*

*I object to this advertisement because any children in the vicinity of this bus (and when I saw this ad it was close to 9am) were directly exposed to overtly sexualised content.*

*The size of the advertisement was of particular concern in that there was no chance to avoid the image and no opportunity to protect young children from its sexualised content.*

*I have taken three photos of this advertisement on my phone.*

### THE ADVERTISER'S RESPONSE

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

*As clearly stated in the complaint, the woman pictured in the advert is wearing a complete bikini, as you would see at any beach or swimming pool around the world (one that we stock and sells well). We deem this outfit appropriate since she is in fact in a swimming pool. In all sincerity, I find it ridiculous to comment on her leg position, as I challenge anyone to sit on a motorbike (indeed anything that needs to be straddled - horse, log, BMX) with their legs together.*

*Her lips are slightly parted and, yes, she does have breasts. However, I fail to see how either of these equate to treating sex/sexuality/nudity without sensitivity to relevant audience.*

*We wholeheartedly dispute this complaint and are shocked that in this day and age an arty photograph of a female on a motorbike is deemed offensive.*

*Further, I find it totally irrelevant and somewhat offensive to reference the colour of the girl's hair, as if that makes it more sexual.*

## **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 contains overtly sexualised content.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the advertisement, displayed on the back of a bus, features a woman in a bikini sitting on a motorbike. The Board noted it had previously dismissed a complaint about a poster version of the advertisement (0009/11) because “the location of the advertisement means it would be viewed by customers of the store, not the general public”. The Board noted that the location of the current advertisement means it would be viewed by a broad audience and would include children.

The Board noted that the woman in the advertisement covers a large part of the back of the bus, unlike the original poster advertisement where the bike, swimming pool and surrounds make up a large part of the overall image. The Board considered that the focus on the woman on the bus, in particular the prominence of her breasts, makes this advertisement sexualised.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did breach Section 2.3 of the Code.

Finding that the advertisement did breach Section 2.3 of the Code, the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

Bus image removed.