



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0245/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Greater Bank</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/06/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This online advertisement was a home page “takeover” of [www.illawarra.mercury.com.au](http://www.illawarra.mercury.com.au). The image under complaint shows a young girl under a sprinkler with the text, "No Bank Shareholders".

## THE COMPLAINT

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

*The image is being used to attract attention - does not relate at all to the message of the advert. Sexualised image of a young female to sell a product which is completely unrelated to the nature of the product.*

## THE ADVERTISER’S RESPONSE

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

*We refer to your letter advising of a complaint received concerning one of Greater Bank’s advertisements.*

*A copy of the advertisement is attached. Copies of other advertisements in the series of*

*advertisements of which the Relevant Advertisement forms part are also attached to provide some context in relation to the overall campaign.*

*The media placement for illawarramercury.com.au occurred on the 5th, 6th, 7th, 12th, 13th and 14th of May 2016. The image in the Relevant Advertisement has been used in our advertising since 1 May 2016 across branch point-of-sale, outdoor billboards, online and social media banners and press advertising and will be used for a short term period of 3-6 months.*

*The complaint and issues arising from the complaint*

*It appears from your letter and the details of the complaint provided to us that the issues of concern are that the Relevant Advertisement is inconsistent with Section 2.2 (Objectification Exploitative and Degrading – Women) and 2.4 (Sex/ Sexuality/ Nudity - General) of the AANA Code of Ethics (Code).*

*In short, the complainant is concerned about the appropriateness and relevance of an image of a young girl in online advertising for Greater Bank.*

*Our response*

*At the outset we emphasise that Greater Bank takes its obligations as a responsible advertiser very seriously. As a customer owned bank “community” is at the core of our values.*

*We do not believe that the Relevant Advertisement is inconsistent with the Code. More particularly, we do not believe the image used in the Relevant Advertisement is in any way sexualised or could reasonably be considered to be in any way sexualised. The image is of a girl playing under a garden sprinkler in her family’s garden.*

*We have chosen this image to reflect our target market of young regional families with children in situations where they are enjoying their home and lifestyle. As a customer owned bank with no shareholders we are focussed on assisting the communities that we live and operate in and helping our customers to achieve their financial goals. As mentioned, “community” is at the core of our values.*

*The image is a stock shot purchased from Amana Images and is one of a number of different family scenarios that we are using as part of our current advertising campaign.*

*Section 2 of the Code*

*In your letter, in addition to requesting we respond to the complaint, you invited us to address all parts of Section 2 of the Code. We do so below.*

*Section 2.1 - Discrimination or vilification*

*Not applicable to the Relevant Advertisement.*

*Section 2.2 - Exploitative or degrading*

*We do not believe the Relevant Advertisement employs sexual appeal. We also do not believe*

*the image used in the Relevant Advertisement is in any way exploitative or degrading or could reasonably be considered to be in any way exploitative or degrading.*

*The image is of a girl playing under a garden sprinkler in her family's garden. We have chosen this image to reflect our target market of young regional families with children in situations where they are enjoying their home and lifestyle. As a customer owned bank with no shareholders we are focussed on assisting the communities that we live and operate in and helping our customers to achieve their financial goals.*

*As stated, the image is a stock shot purchased from Amana Images and is one of a number of different family scenarios that we are using as part of our current advertising campaign.*

### *Section 2.3 - Violence*

*Not applicable to the Relevant Advertisement.*

### *Section 2.4 - Sex, sexuality and nudity*

*As stated, we do not believe the image used in the Relevant Advertisement is in any way sexualised or could reasonably be considered to be in any way sexualised.*

*The image is of a girl playing under a garden sprinkler in her family's garden. We have chosen this image to reflect our target market of young regional families with children in situations where they are enjoying their home and lifestyle. As a customer owned bank with no shareholders we are focussed on assisting the communities that we live and operate in and helping our customers to achieve their financial goals.*

### *Section 2.5 - Language*

*Not applicable to the Relevant Advertisement.*

### *Section 2.6 - Health and Safety*

*Not applicable to the Relevant Advertisement.*

*We trust this response will lead to the prompt resolution of the complaint. Please do not hesitate to contact us if you require any of the above clarified or further information.*

## **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 depicts a sexualised image of a young girl which has no relevance to the advertised product and is not appropriate.

The Board viewed the advertisement and noted the advertiser's response.

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 the Practice Note to the Code which states: “In advertisements where images of children are used, sexual appeal is not acceptable and will always be regarded as exploitative and degrading. Advertisements must not state or imply that children are sexual beings and that ownership or enjoyment of the advertised product will enhance their sexuality. Children must not be portrayed in a manner which treats them as objects of sexual appeal.”

The Board noted this internet advertisement features an image of a young girl in a swimsuit under a sprinkler. The Board noted that the girl is visible from the waist up and has her eyes closed as she shakes her head in the water.

The Board noted the complainant’s concern that the image is being used to attract attention and has no relevance to the advertised product.

The Board noted the advertiser’s response that the image of a girl playing under a garden sprinkler was chosen to reflect their target market of young, regional families and is a stock photo.

The Board noted that the girl in the advertisement has her eyes closed and appears to be laughing. The Board considered that this image is suggestive of a young girl enjoying playing under a sprinkler and in the Board’s view the image does not employ sexual appeal or suggest that children should be seen as objects of sexual appeal. The Board considered that it is not exploitative to use children in advertising and in this instance the depiction of a young girl playing with water is suggestive of a child enjoying a normal activity and is not degrading.

The Board noted that there is strong community concern regarding the sexualisation of children but considered that this image is not sexualised.

The Board considered that the advertisement did not employ sexual appeal and 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 the Practice Note to the Code which states: “Advertisements with appeal to younger people which contain sexualised images or poses are to be used with caution. Models which appear to be young should not be used in sexualised poses.”

The Board noted that the girl in the advertisement appears to be in the act of shaking her head in the sprinkler water and considered that this action is consistent with how children, and adults, behave when soaked with water. The Board noted that the girl is laughing and considered that the overall impression of the image is of a child having fun and in the Board’s view the image is not sexualised. The Board noted the girl is wearing a swimsuit and considered that it is consistent with the swimsuits children of that age would wear when playing in water and the level of nudity is also consistent with the wearing of a swimsuit.

Overall the Board considered that the advertisement did not contain any images of sex, sexuality and nudity.

The Board determined that the advertisement 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.