



Case Report

1	Case Number	0249/12
2	Advertiser	RPM Real Estate
3	Product	Real Estate
4	Type of Advertisement / media	Outdoor
5	Date of Determination	27/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

The billboard is located on Plenty Rd, Mernda and depicts a woman in a pool, wearing a sun hat and a swimsuit surrounded by the Mandalay logo, with the caption "Make a refreshing move". A map detailing where the estate is located and a land from price is also shown.

THE COMPLAINT

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

*Wow! Exactly where do I start! This ad has gone tooooooooooooooo far! What has an excessively airbrushed photo shopped computerised image of an orange women in a bikini got to do with a house or land package deal!! This is sexualisation of women once again!! It has to be removed because I think it has breached the law because it has a pic of a woman wearing a white bikini instead of a house or land!!! Not on!
I am very offended! Also her waist is photo shopped very wrong! The ad had photo shopped the women waist to a size of someone with an eating disorder and it is in fact promoting anorexia and self-esteem issues to young girls!
When is the law going to stop these companies promoting sexualisation degradation of all young girls and women!! No wonder girls are turning to suicide! Put it down!
Power to all real women!*

THE ADVERTISER'S RESPONSE

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

At the time of the complaint (25th May 2012), a flash advertising the end of the first homebuyers grant and \$3,000 house and land deposit promotion was covering over 50% of the image in question.

The original image was part of Mandalay's summer campaign and was displayed at other signage locations and in press advertising. The reason for including a woman in the pool was to highlight Club Mandalay and its 25m swimming pool that residents will have available to them. Mandalay is a golf residential development located approximately 25kms from the site of the sign. At the centre piece of the development is a Clubhouse that will be built for resident's exclusive use. The Clubhouse will house a gym, cafe, golf course pro shop and pool – hence the use of water and this image for our summer campaign.

With regard to the complaint, we have referred to the AANA 2012 code of ethics and have addressed the relevant sections. Section 2 of the code of ethics relates to the portrayal of people and prevailing community standards in advertising or marketing communications. The relevant audience of the billboard in question is potential land purchasers that are wanting to buy in a residential community that incorporates a swimming pool in its Club House. A woman in a swimming pool wearing a swimsuit would appear reasonable and does not objectify (section 2.2) or imply an overtly sexual image (section 2.4).

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 concern that the advertisement features an image of a woman which is and inappropriate and degrading to women.

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

The Board first considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code requires that: “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 the advertisement features an image of a woman in a pool with a large hat on and wearing a bikini. The text reads, "make a refreshing move" “Large lots for sale mandalaybeveridge.com.au”

The Board considered that the woman was depicted from above and that it was difficult to see any particular parts of her body. The Board considered that the image of the woman and the

relationship to the text on the billboard was clearly about the refreshing nature of the pool and the idea of making a fresh start with a new section of land and house.

The Board considered that the woman's pose is not provocative and she is fully covered by a bikini, which is appropriate attire to be worn in a pool and/or water environment. The Board considered that the image did not contain inappropriate nudity and did not employ sexual appeal in a manner which is degrading of any individual or group of people".

The Board determined that it 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 it was reasonable for an advertiser to depict a bright and attractive pool setting with a model in the water to appeal to an audience which would primarily be adults seeking to buy land.

Considering that the advertisement was not a sexualized image, and that the model is not overly exposed, the Board considered that most members of the community would not find the imagery offensive. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

Finally, the Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that though the model does appear thin, she does not look unhealthy or noticeably unwell.

The Board noted that 'photo-shopping' is a commonly used, creative, photographic technique used to give certain effect and result to the image being taken however it is not clear that this image has been modified in this manner.

The Board noted that the use of 'thin' models is common practice in advertising and that it is acceptable for the advertiser to promote their product in a style designed to capture the attention of the target audience providing that the images are not depicting men or women in a way that would be seen to condone unhealthy body weight. The Board considered that while many people do not have physiques like the model in the advertisement, the advertisement does not depict an unhealthily thin woman or promote unhealthy body weight.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

