



## Case Report

1	Case Number	0264/16
2	Advertiser	Total Tools
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Mail
5	Date of Determination	22/06/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

### DESCRIPTION OF THE ADVERTISEMENT

This advertisement features an image of a young girl wearing a white singlet with the Total Tools logo at the top left. The headline reads, "VIP Insiders Night. Exclusive Invitation. Total Tools Moorabbin Thursday 2nd June 4-8pm" and there's an image of the store below along with details on discounts available.

### THE COMPLAINT

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

*They used a young girl (maybe 14/15 years old) in a singlet top with Total Tools logo across her chest as bait - on the top left hand corner.*

*Totally inappropriate. I am complaining because*

*a) of the age of the girl used in the advertisement*

*b) the recipient demographic of the advertisement makes it even more inappropriate*

*c) (a personal gripe) I'm SICK of seeing women/girls used in this way.*

### THE ADVERTISER'S RESPONSE

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

*Please find attached a copy of the material (Event Invitation) in question– which was sent to Total Tools Loyalty Card members only. This is not a mass release advertisement.*

*In response to what the complaint has sighted please see our comments below;*

- *Reason for Concern - “They used a young girl (maybe 14/15 years old) in a singlet top with Total Tools logo across her chest as bait”*

- *I am complaining because - “of the age of the girl used in the advertisement”*

- o *This is an istock image we have purchased online with all of the relevant licensing which is titled ‘beautiful young blond woman in white top’*

- o *If there are any legality issues surrounding the age of this model we believe this needs to be addressed directly with istockphoto.com who have made this image accessible for purchase and reuse in such marketing materials*

- o *FYI - Link to original image accessible here*

- o *<http://www.istockphoto.com/au/photo/beautiful-young-blond-woman-in-white-top-gm466187206-59654330>*

- *I am complaining because - “the recipient demographic of the advertisement makes it even more inappropriate”*

- o *As part of these closed / invite only Total Tools Loyalty Card members events – promotional staff are used as brand ambassadors (like those used during Formula One Racing, V8 supercars, etc.)*

- o *The presence of promotional staff (who are hired sub-contractors) have become part of the event itself which is why they are included on the event’s invitation to our Total Tools Loyalty Card members.*

*I trust the above helps to clarify and resolve the situation.*

## **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 features a young girl in a singlet which emphasises her bust and this is inappropriate.

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 that this mail advertisement features an image of a young girl in a white singlet with 'Total Tools' across the front as well as a picture of the inside of a Total Tools store.

The Board noted it had recently dismissed a similar complaint in case 0010/16 where:

"The Board noted that this advertisement appears on public transport and features an image of a woman in shorts, singlet and heels holding a jack hammer.

The Board noted the complainants' concerns that it is sexist to depict a woman in this manner and considered that advertisers are free to use whomever they wish in their advertisements provided they do not present any person in a manner which is discriminatory or vilifying. The Board noted that the woman is holding a power tool relevant to the advertiser's services and considered that although her clothing is not consistent with the type of clothing you would wear to use a jack hammer in the Board's view it is not of itself discriminatory to use a woman to promote a power tool in this manner."

In the current advertisement the Board noted that an image of a woman in a singlet has no relevance to the advertised product, a tool shop. The Board noted however that advertisers do use direct images of women in order to promote products and considered that while this practice is frustrating it is not of itself a breach of the Code. The Board noted that the woman in the advertisement is presented as a typical 'promotions girl' and considered that while she is clearly intended to catch the attention of the viewer the manner in which she is presented is not discriminatory or vilifying.

The Board considered that the advertisement did not portray or depict 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 breach this Section of the Code the image used in the advertisement would need to be considered both exploitative and degrading.

The Board noted the complainant's concern that the girl in the advertisement looks to be around 14 or 15 years old.

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 the advertiser's response that the image of the girl is a stock image purchased online and the actual age of the model is the responsibility of the owner of the image. The Board noted that the image is heavily photo-shopped and considered that the actual age of the model could be anywhere from older teenager upwards.

The Board noted that there is strong community concern regarding the sexualisation of children but considered in this instance while the model could be any age in the Board's view the manner in which she is presented is not suggestive of her being underage and the most likely interpretation is that this model is a 'promotional girl' in her twenties.

The Board acknowledged that some members of the community would find the use of female models to promote a tool shop to be exploitative. The Board noted that the female model in the advertisement is wearing a tight singlet and considered that although the woman's breasts are enhanced by the style of clothing she is wearing her breasts are not the focus of the advertisement and the overall image is not degrading toward this woman or women in general.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

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 advertisement had been sent by mail to Total Tools Loyalty Card members only and considered that the relevant audience would be limited to those adult customers who had signed up to the advertiser's loyalty card program.

The Board noted that while some members of the community may find images of models promoting services or products to be inappropriate, the Board considered that the woman's body is sufficiently covered and the level of nudity is mild.

The Board noted that the woman is clothed and considered that the image is not overly sexualised. The Board noted that the intent of the advertisement is to use an attractive woman to appeal to the target audience of men who use tools but considered that the manner in which the woman is depicted does treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of adult customers of this business.

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.

