



Case Report

1	Case Number	0266/14
2	Advertiser	Macket Bracket
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Internet
5	Date of Determination	23/07/2014
6	DETERMINATION	Upheld - Modified or Discontinued

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

A cartoon style women, oiled, with breast enhancements, wearing a small bikini and jean shorts unbuttoned. Her name is Miss Macket and she clearly thinks this product is very useful as over page she displays how the machine works.

THE COMPLAINT

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

Visually the website display a cartoon style women, oiled, with breast enhancements, wearing a small bikini and jean shorts unbuttoned. Her name is Miss Macket and she clearly thinks this product is very useful as over page she displays how the machine works.

I refer to section 2.1 of advertising standards Act where 'communications shall not portray people in a way which discriminates against a gender. Also section 2.2 of the same Act notes 'communication should not employ sexual appeal in a manner that is exploitative and degrading of any individual or group of people'. I was deeply offended by this type of advertising. Not a great endorsement of young women, who are clearly over sexualised in this campaign.

THE ADVERTISER'S RESPONSE

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

We are recalling all advertising pamphlets and changes to the website. Sorry if this has offended this one and only lady.

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 depicts a drawing of a woman that is inappropriate and overtly sexualised.

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 the image features a drawing of a woman in a bikini top and short denim shorts. The woman is referred to as “Miss Macket” and the text along with the image states: “Get it up faster every time.”

The Board noted the advertiser’s response that business is making changes to the website.

The Board considered however, that as the image is still available to date, the issues raised in the complaint are appropriate for the Board to discuss.

The Board considered that the material did not amount to a depiction that discriminates against, or vilifies a section of the community on account of gender because it is not necessarily negative about women. The Board considered that it did not breach section 2.1 of the Code.

The Board then 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 of 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 there is no relationship in this advertisement between a woman in a bikini and the product or service being advertised. The Board also noted that the advertisement comprises the image of a woman posed in a bikini, and that the text accompanying the image states: “get it up faster every time.”

The Board agreed that although the text is relevant to a company which sells construction framework, a likely interpretation viewers would make of this promotion is that it is a reference to a sexual act of getting an erection. The Board considered that the connection of the image and the text does amount to a depiction that is exploitative as the woman is not relevant to the product and the focus is on her body and sexualised pose. The Board

considered that the overall impression was demeaning, associating her with an erection in a context of hardward.

The Board noted that it had recently upheld an advertisement for St George Scrap Metal (ref: 0141/14) where an image of a woman in a bikini was used to promote a scrap metal business. The Board considered in that matter that “the text, accompanying the image of a woman posing in a bikini which has no relevance to the product, amounts to a depiction that makes use of the woman’s sexual appeal in a manner that is both exploitative of and degrading to women.”

Consistent with the decision above, the Board considered that the woman in the bikini in this advertisement along with the wording did amount to a depiction that did employ sexual appeal in a manner which is exploitative and degrading and that it did breach Section 2.2 of the Code.

The Board 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 whilst the woman’s shorts are short and her bikini top skimpy, there is no exposure of her genitals and her pose is not overtly sexualised.

The Board noted that the target audience for the website would be limited and likely to be adult men and that image was appropriate for viewing by adult men and that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did breach section 2.2 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser confirmed that the images have been removed from the website and another further images will be modified before inclusion (29/07/2014).