



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

1	Case Number	0267/14
2	Advertiser	Macket Bracket
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Print
5	Date of Determination	13/08/2014
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 brochure featuring a realistic cartoon-style women, oiled, with breast enhancements, wearing a small bikini and jean shorts unbuttoned. Her name is Miss Macket.

### THE COMPLAINT

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

*Visually the brochure displays 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 brochure which both my son and daughter saw in the hardware shop. 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 pamphlet features a realistic cartoon-style image 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 it had previously considered this image on the medium of internet (0266/14). Consistent with its determination under this Section for the previous case, the Board considered that in this instance the advertisement does not present a woman in a manner which is negative or would be considered to discriminate against or vilify a person or section of the community on account of their gender.

The Board determined that the advertisement 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 in the previous case:

“...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 hardware.

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 its determination in case 0266/14 the Board considered that the woman in the bikini in this advertisement along with the accompanying text did amount to a depiction that employed sexual appeal in a manner which is exploitative and degrading.

The Board determined that the advertisement 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 in the previous case:

“... 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.”

In the current advertisement the Board noted that the pamphlet format, which is available in hardware stores, means that this advertisement may be seen by a broader audience which would include children.

A minority of the Board considered that whilst the pose of the woman is not overtly sexualised in their view it is not appropriate in the current medium where children could view it particularly as it is such a realistic cartoon depiction. The majority of the Board however considered that the level of nudity and the pose of the woman in the images was not inappropriate and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad 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 did not provide a response but the ASB noted that the advertiser had agreed to recall the pamphlets based on the complaint.