



Case Report

1	Case Number	0274/11
2	Advertiser	Emerald Star Hotel
3	Product	Other
4	Type of Advertisement / media	Outdoor
5	Date of Determination	10/08/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity - Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification - Sex

DESCRIPTION OF THE ADVERTISEMENT

Banner depicting the figure of a woman wearing a brief bikini. The woman is on all fours, with left breast partially showing, backside thrust up in the air facing the public view and legs slightly apart. There is a caption on the banner that says "Skimpy Girls here".

THE COMPLAINT

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

This type of advertising would not be acceptable on Television until late at night but is put up early in the evening when people are about with their children at local restaurants several doors up in the same street as the banner outside the hotel. Also this type of advertising is degrading to women in general. This type of advertising downgrades the standard of the town which has been a great place to raise a family. I would like to see all outdoor advertising "G" rated so we all can enjoy our streets shops and entertainment places in the evening without having our minds and emotional abused and assaulted by highly sexually explicate advertising whether in pictures or words.

Highly unnecessary for it it very explicit. Very degrading to women. They had another banner which we complained about 18months ago and it was mild compared to this one. The reason they gave was :- so that people would not look in the windows. No needed at all.

THE ADVERTISER'S RESPONSE

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

The banner is placed up at around 7pm on Monday to Friday nights.

The banner has been up for over six months.

A similar banner was in place prior to this one for over two years.

We have received no complaints to the venue and are not aware of any other complaints other than the two received by your office.

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 complainants' concern that the advertisement was degrading to women sexualised and features sexually explicit imagery unsuitable for outdoor display.

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted this outdoor banner features a woman viewed from behind on her hands and knees wearing a very small bikini with the text, "skimpy girls now on!" written next to her.

The Board noted that the advertisement's depiction of the woman's body from the rear with no face visible is objectifying. The Board considered that the image objectifies women and does amount to discrimination against women.

The Board determined that the advertisement's depiction of a woman on all fours wearing a small bikini and with her face not visible did discriminate against or vilify a section of the community on account of their sex. The Board determined that the advertisement breached Section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board considered that the pose of the woman, in particular the suggestion that she is available for sex, is strongly sexualised. The Board noted the relevant audience for the advertisement, which even though only put out at 7pm, is still broad and given the highly

sexualised image it is likely the advertisement will be found offensive by many people who would see it.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience. The Board determined that the advertisement breached Section 2.3 of the Code and upheld the complaints.

Finding that the advertisement breached Sections 2.1 and 2.3 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

I have decided to remove the banner from external advertising of the Star Hotel and have organised a replacement banner. I expect delivery of this banner in less than ten working days. I have made this decision independently of the Advertising Standards Bureau decision and reserve my rights in respect to this matter.