



Case Report

1	Case Number	0279/16
2	Advertiser	Nick Scali
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

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

The 15 second commercial is for the Nick Scali Half Yearly Clearance and features a range of furniture products.

The opening scene features a model on a grey leather modular lounge demonstrating the electric recliner mechanism. The next shot shows a model lifting the adjustable headrest on a white 3 seater leather lounge. Then we see a model walking past a round concrete topped dining table with two chairs. The final shot features a model walking up to and then reclining on beige fabric 4 seater lounge.

THE COMPLAINT

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

I object to the gratuitous exploitation of women in flimsy clothing draped seductively (but not comfortably!) over the products with no apparent reason. The advertisement is offensive in tone and presentation.

THE ADVERTISER'S RESPONSE

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

We are in receipt of your correspondence in relation to the above complaint and have detailed our response below.

Background

Nick Scali has been in business for more than 50 years, initially as a family business, and now as a Public Company. Members of the Scali family still work in the company in senior roles and, in fact, are the major shareholders. Family values permeate through our entire business.

We are very much aware of our obligations as an advertiser under the AANA Code of Ethics and, in our view, apply those standards across all of our marketing channels. To receive this complaint on a commercial where many of the elements have already aired nationally in previous campaigns certainly comes to us as a great shock.

The Commercial Referred to in the Complaint:

The commercial in question was of 15 second duration and is for our current Half Yearly Clearance campaign and is identified below:

Key Number: NSJN16PER2

CAD: G35YYROA

It aired at 19:50:25 on Channel 10 in Perth.

The Campaign commenced on FTA TV June 2, 2016 and concludes on June 26, 2016.

Creative Intent and Target Market

Nick Scali sells aspirational furniture at an affordable price. Creatively we always present our products in an elegant contemporary home environment with an elegant model generally demonstrating the features or to provide perspective to the scale of the item advertised. The creative intent is to present how our customers would like to see themselves; in a beautiful home, in a beautiful outfit on a beautiful piece of uniquely-designed and generally, handmade furniture.

The vast majority of Nick Scali customers are women. We specifically target Women 25-54 across all media platforms as these are the key decision makers in relation to home decorating and furniture purchasing decisions.

Response to Issues Raised

At no time do we have any intent to be either provocative or offensive. At no stage in our creative process is there any intent to objectify women, or be either exploitative or degrading. We strongly deny any inference that Nick Scali either vilifies or discriminates on a gender basis. There is no sexual innuendo nor is there any nudity or object sexuality used in this or any other commercial we have ever produced.

The commercial at the centre of this complaint, in our view, does not in any way gratuitously exploit women. The clothing utilized is elegant and not 'flimsy' as alleged by the complainant. As stated earlier, the model is there to demonstrate features, provide scale to the products being advertised and to add style and sophistication to the commercial.

All of our images, in all media platforms, are intended to be elegant and aspirational.

2.1 Discrimination or Vilification

Nick Scali strongly denies that this commercial either discriminates or vilifies women or any other gender in any way whatsoever.

2.2 Exploitative and Degrading

Nick Scali strongly denies that this commercial is either exploitative or degrading in any way whatsoever.

2.3 Violence

Not applicable

2.4 Sex, Sexuality and Nudity

Nick Scali strongly denies that this commercial in any way has any sexual overtones. It certainly has no nudity or any sexual inferences.

2.5 Language

Not applicable

2.6 Health & Safety

Not applicable

We wish to reiterate that we believe that the commercial referred to by the complainant, keyed NSJN16PER2 in no way whatsoever is a breach of the AANA Advertiser Code of Ethics.

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 depicts a woman in a gratuitous manner which is offensive.

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 television advertisement features a woman showcasing a range of furniture items available in the advertiser's half-yearly clearance.

The Board noted the complainant's concern that the use of a woman to promote furniture is gratuitous. The Board noted that advertisers are free to use whomever they wish in their advertisements and considered that furniture products are not a specifically male or female product. 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 enhance the attractiveness of the products depicted in the Board's view 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 acknowledged that some members of the community could find the use of an attractive woman to promote furniture to be exploitative but considered that the woman in the advertisement is complimentary to the advertised product rather than the main focus. The Board noted the woman is shown reclining on lounges or walking past furniture and considered that she is not posed or presented in a manner which is sexual or degrading.

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 woman in the advertisement is shown wearing different outfits and considered that each outfit matches the theme or style of furniture being promoted and the clothing is elegant, not revealing, and there is no nudity. The Board noted the woman is shown sitting or lounging on the furniture in a manner consistent with its design and use.

The Board noted the poses of the woman in each scene and considered that while her

behaviour is sensual, or even seductive, it is not sexualised and the manner in which she is presented is not inappropriate in the context of promoting furniture.

The Board noted the advertisement had been rated 'G' by CAD and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

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.