



# Case Report

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|----------|--------------------------------------|-------------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0280/16</b>                |
| <b>2</b> | <b>Advertiser</b>                    | <b>Gaura Venetian Plaster</b> |
| <b>3</b> | <b>Product</b>                       | <b>House Goods Services</b>   |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>Internet</b>               |
| <b>5</b> | <b>Date of Determination</b>         | <b>13/07/2016</b>             |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>              |

## 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

This internet advertisement is on the advertiser's website and features an image of a woman in lingerie and high heeled shoes sitting sideways on a padded chair with her left leg hooked over the arm. The woman's left hand is holding on to the arm of the chair and her right hand is touching her hair. The text reads, "Venetian Plaster. It's Natural, Beautiful and Sexy."

## THE COMPLAINT

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

*Page depicts a woman in underwear, has nothing to do with the product being sold.*

## THE ADVERTISER'S RESPONSE

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

*The advertiser did not provide a response.*

## 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 underwear which has nothing to do with the product being sold.

The Board viewed the advertisement and noted the advertiser had not provided a 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 internet advertisement features an image of a woman in underwear and high heeled shoes.

The Board noted that it had previously considered a similar complaint about the use of a woman to promote a product 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 lingerie has no direct relevance to the advertised product. The Board noted however that advertisers do use images of women in order to promote products and considered that whilst this practice may be offensive to some members of the community, it is not of itself discriminatory or vilifying to use such images as long as the provisions of the Code are met.

In this instance 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 AANA Practice Note which defines both exploitative and degrading as follows:

- ‘exploitative’ means clearly appearing to purposefully debase or abuse a person or group of person, for the enjoyment of others, and lacking moral artistic or other values.
- ‘degrading’ means lowering in character or quality a person or group of persons.

The Board noted that the woman in the advertisement is wearing lingerie and high heeled shoes. The Board noted it had previously dismissed similar images of women used in lingerie advertisements (0476/15, 0235/16) but considered that in the current advertisement there is no relevance between the product and an image of a woman in underwear. The Board considered that most members of the community would find the use of a woman in underwear to promote interior design products to be exploitative.

The Board noted the pose of the woman and considered that although she is wearing underwear she is not posed in a sexualised manner. The Board noted the text reads, “Venetian Plaster. It’s Natural, Beautiful and Sexy”. The Board noted that this description could apply to the image of the woman and considered that it is presented in the context of Venetian Plaster and in the Board’s view while the image the use of a sexualised image with little relevance to plaster board may be exploitative, the woman featured in the advertisement is not presented in a degrading manner.

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 features a woman in lingerie and considered that the lingerie covers the woman’s private areas and the level of nudity is mild in the context of a woman wearing underwear. The Board noted the pose of the woman. The Board noted the Practice Note to Section 2.4 of the Code which provides: “Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.” And “Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product.”

A minority of the Board noted that a woman in lingerie has no relevance to the product advertised and considered that the woman’s pose, with her legs parted, was a sexualised pose. A minority of the Board noted that unlike in case 0279/16 where a woman was used to advertise furniture in a manner which complimented the advertised product, in this instance the woman is in lingerie and high heeled shoes and is the main focus of the advertisement: the product itself is not shown. A minority of the Board considered that the advertisement did breach Section 2.4 of the Code.

The majority of the Board acknowledged community concerns over the use of women to promote products and considered that while this practice is frustrating it is not of itself a breach of the Code unless the image is explicitly sexual. The majority of the Board considered that although the woman is wearing lingerie she appears relaxed and confident rather than sexualised and in the Board's view the image is not an explicit sexual depiction of a woman. The majority of the Board noted that the advertisement is on the advertiser's website and considered that in the context of the limited adult audience of a plaster product the level of nudity was not inappropriate.

Overall a majority of the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant adult audience of an advertisement for an interior design company.

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.