



Case Report

1	Case Number	0284/16
2	Advertiser	Windsor Smith Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This advertisement appeared as a landing page on the Windsor Smith website for women's footwear. The advertisement shows a woman sitting on a stool with her legs astride, wearing a short skirt with tights and lace up black shoes.

THE COMPLAINT

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

It insinuates that tying up a woman is sexy. It exploits woman as objects yet again. Shame on you Windsor smith.

THE ADVERTISER'S RESPONSE

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

This ad was on our website that customers tend to subscribe to. It is shown on our site and this is the first complaint that we have received about this image.

As a part of our campaign strategy this image is to be removed from the website this

Wednesday, the 22nd of July. Changing the campaign image with another one.

Considering that one person has complained about the image that she feels the "all tied up" refers to the women being tied up - we are referring to the shoe.

We are all female marketing team and no one found the image offensive or demeaning to women.

I suppose the good thing about websites is that the customer has every right to unsubscribe from our site as we have the right to advertise our product - keeping it on brand.

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 images of women tied up and exploits women as sex objects.

The Board viewed the advertisement and noted the advertiser's response.

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 there are two versions of this internet advertisement, which is placed on the advertiser's website, and feature a woman in a white shirt, hold-up stockings and high heeled shoes. The Board noted that in each image the words, "All tied up" are written above the model's head.

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 the complainant's concern that the advertisement exploits women as sex objects.

The Board noted the advertisement features a woman wearing a white shirt, stockings and high heeled shoes and considered that the advertisement does employ sexual appeal. The Board considered that this use of a partially dressed woman to promote a pair of shoes may be exploitative. The Board noted that the woman is depicted sitting in a chair; in one image

she has her clasped hands resting between her legs and is looking directly at the camera, in the second image she has one hand against her mouth, the other crossed over her waist and she is still looking directly at the camera. The Board noted that the both images are heavily stylised and are consistent with fashion shoots to promote clothing and/or shoes and considered that the manner in which the woman is depicted is not degrading either to her or to women in general.

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 considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the complainant's concern that the advertisement implies it is sexy to tie up a woman.

The Board noted that the woman is not tied up and considered that the most likely interpretation of the phrase, "All tied up" is that it is referring to the shoes the woman is wearing which are strappy and appear to tie up around her shins.

The Board acknowledged that the issue of violence against women is a current community concern but considered that in this instance the advertisement does not depict a woman tied up and does not encourage or condone the tying up of any person, male or female.

The Board considered that the advertisement did not depict violence and determined that the advertisement did not breach Section 2.3 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 the complainant's concern that the two images in the advertisement alternate so that it appears as though the model is showing her underwear/genitalia.

The Board noted that the advertisement depicts a woman wearing a shirt, stockings and shoes. The Board noted in the first image the woman's clasped hands are resting between her thighs and considered that the level of nudity in this image is very mild and it is not possible to see the woman's underwear or genitalia. The Board noted in the second image the woman has moved slightly and considered that we can now see her stocking tops as well as a very brief glimpse of black underwear but that her genitalia are still not visible. The Board noted the placement of the advertisement on the advertiser's website and considered that the level of nudity is not inappropriate in the context of the relevant audience of adult women shopping for shoes.

The Board considered 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 not breach the Code on other grounds, the Board dismissed the complaint.