



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0302/18
2	Advertiser	TWT Property Group
3	Product	Real Estate
4	Type of Advertisement / media	Print
5	Date of Determination	11/07/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women

DESCRIPTION OF THE ADVERTISEMENT

This Print advertisement features a woman wearing a blue, backless ball gown with her back and side facing towards the camera. The words 'Living Works of Art' are over the top of her and tall buildings can be seen through the window behind her. The text underneath the image provides information about TWT property group and their involvement in the arts.

THE COMPLAINT

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

I am unclear what this image has to do with TWT Property group who "create meaningful spaces for residents" and/or that they are making creative precinct and are a partner in the Sydney Biennale. I wonder if using a image of a female in this way for this spurious reason - is legitimate in 2018.



THE ADVERTISER'S RESPONSE

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

The ad

The visual in the ad features an elegant lady in evening dress – the dress is blue silk, floor length with a low back. She is standing in the foreground with a series of high rise buildings in the background.

The focus of the ad is art – as a property developer art, and the arts, is central to everything we do. We include significant works of art into our buildings (public & private), we give away studio space to artists and arts businesses ranging from well known visual artists to a ballet studio to film editing. We also invest in the arts with our sponsorship of, for example, the Biennale of Sydney and UNSW Art & Design. We also fund a charitable foundation – which is focused on the twin pillars of mental health and the arts.

We talk about some of our residential developments as living works of art – beautiful and meaningful spaces for residents that aren't simply bricks and mortar.

Our focus is on enlivening spaces – colour, movement, community and life not just static buildings – it is this that the visual attempts to capture with the juxtaposition of a vibrant, living human filling the space, with the static buildings in the background.

The wording of the ad is very clear in terms of the focus of the organisation on the arts, what our goals are in terms of development and articulating the role of art, arts and people in our buildings.

The complaint

The complaint seems to be making a creative judgement call on the role of the human in our ad. I strongly disagree with the comment that her inclusion is 'spurious'. She is a critical part of the creative idea – the life within the buildings.

In fact in video we take the idea further and feature a dancer beautifully moving with rooftops, cranes and high rises in the background.

Approval process

We have an approval process that includes various team members & all external partners and organisations referenced. This includes executive members of the



Biennale of Sydney (both women) and team members here at TWT (including 4 women). Not a single person raised a concern (or even commented) on the ad being anything other than a reflection of our commitment to the arts.

The code

2.1 There is no section of the community discriminated against.

2.2 The ad features a beautiful lady (adult) in a full-length evening dress – no minors and nothing exploitative or degrading.

2.3 There is no violence portrayed.

2.4 The featured lady is beautiful and attractive – she is not sexualised in any way. She is wearing a full-length silk evening dress with a low back – there is nothing revealing or inappropriate about the dress.

2.5 There is no language used that could be considered inappropriate.

2.6 There is nothing that contravenes health and safety.

2.7 This is clearly an ad – even the complainant references the ‘full page ad’

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement promotes sexual behaviour.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel 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 or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.



Degrading – lowering in character or quality a person or group of people.

The Panel noted this print advertisement features an image of a woman wearing a blue, backless ball gown with her back and side facing towards the camera. The words 'Living Works of Art' are overlaid over her image and tall buildings can be seen through the window behind her.

The Panel noted the complainant's concern that the advertisement featured a seductive image of the woman which was not related to the product being advertised.

The Panel noted the advertiser's response that the focus of the advertisement is a visual attempt to capture the juxtaposition of a vibrant, living human with the static buildings in the background and that this image is not exploitative or degrading of the woman.

The Panel first considered whether the image uses sexual appeal. The Panel considered that the dress the woman was wearing was very low cut with her back uncovered and from the angle of the image the dress did not appear to cover her top half, and although the woman's breasts were hidden by her arms there was a strong suggestion that she was partially naked.

The Panel also considered that the way the woman was staring over her shoulder with her lips slightly parted was a sexualised facial expression and in combination with the suggested nudity this image does contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative.

A minority of the Panel considered that the advertisement was an artistic image of an elegant woman to represent artistic and elegant properties, and that the image of the woman was relevant to the product being sold. A minority of the Panel considered that the use of an attractive woman in itself is not exploitative even if the direct connection between the woman and the advertiser's message was not clear.

A minority of the Panel felt that in combination with the explanatory text in the advertisement which describes the advertiser's commitment to arts the image of the woman was relevant and not exploitative.

The majority of the Panel however considered that the use of the woman in the advertisement is not specifically relevant to the product being sold. The majority of the Panel considered that the buildings featured in the background of scene do not appear to be the focus of the image, and that the centrepiece of the advertisement was the woman in a revealing backless dress and considered that the focus on the woman was gratuitous.



The majority of the Panel considered that the most likely interpretation of the phrase 'living works of art' was that the woman is a piece of art, and considered that, in association with the sexual suggestion of the woman in a backless dress, this phrase reduces the woman to an object.

The majority of the Panel considered that referring to a woman as art was implying that she was an object whose purpose in the advertisement was only to be seen as decoration, and that she is not represented as an artist, resident or other active participant in the message of the advertisement.

The majority of the Panel considered that the wording of the advertisement only reinforced the idea that the woman depicted in the advertisement was the piece of art.

The majority of the Panel considered that the advertisement takes advantage of the sexual appeal of the woman by depicting her as an object or commodity. Further the majority of the Panel considered that the focus on the woman's exposed back and her suggested nudity did constitute a focus on her body parts which was not directly relevant to the product or service being advertised.

The Panel determined that the advertisement did employ sexual appeal in a manner which is exploitative of an individual, and did breach Section 2.2 of the Code.

Finding that the advertisement did breach Section 2.2 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We will not run the ad again in newspapers - we will use the headline again but not accompanying the image shown in this ad.