



# Case Report

1	Case Number	0334/16
2	Advertiser	Petersham Inn
3	Product	Bars/Clubs
4	Type of Advertisement / media	Poster
5	Date of Determination	10/08/2016
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

This poster advertisement shows a woman eating pizza with the words "Hot girls eat free" written in large pink letters above her.

## THE COMPLAINT

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

*I object to the suggestion that a woman's entitlement to specific offers from this establishment are entirely dependent on their willingness to conform to the presumably male management's perception of their sex appeal.*

*It is sexist and derogatory towards women and is an example of the unrealistic portrayal of women in advertising. It offends me and I would hate for any young woman to see it and to think that that is what society expects her to be.*

*It's offensive and promotes the objectification of women when there is clear evidence that this sort of behaviour creates an environment in which violence against women exists.*

*Children, young women and adults alike walk past this sign regularly. It suggests that women*

*have no value except for how they look.*

## **THE ADVERTISER'S RESPONSE**

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

*We don't agree with the allegation below. There are no naked girls. There are no signs saying girls drink free.*

## **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' concerns that the advertisement is sexist and derogatory towards women, that it objectifies women and suggests that women have no value except for how they look.

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 considered the Practice Note for Section 2.1 which describes:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule

The Board noted that the advertisement is a poster on the outside wall of the premises and is promoting free meals for 'hot girls'.

The Board noted that the complainants find the concept of awarding something on the basis of attractiveness to be objectifying and demeaning and that the use of 'hot girls' is also objectifying. However the Board noted that the Code does not prohibit such advertising unless the advertising material could be considered to be discriminatory or vilifying.

The Board noted that many nightclubs and adults venues have promotions designed to encourage women to attend and considered that this is such a promotion. The Board considered that 'hot' is an imprecise term used to mean good looking or attractive but that attractiveness is in the eye of the beholder. The Board considered that the advertisement's reference to 'hot girls' does not clearly identify any group of women who could be considered to be unfairly treated. The Board also considered that excluding men from the promotion is not discriminatory in the context of the advertisement's focus to women.

The Board considered that this advertisement is not clearly giving unfair treatment to any person or group of people on account on gender and is not inciting ridicule of any person or group.

The Board considered that the advertisement is not vilifying or discriminatory. 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 considered that the advertisement used sexual appeal with the image of the woman and the reference to ‘hot girls’.

The Board noted that section 2.2 prohibits the use of sexual appeal in a manner that is both exploitative and degrading. The Board considered that the image of the woman in conjunction with the term ‘hot girls eat free’ is a reference suggesting that good looking women will eat free at this venue.

The Board considered the AANA Code of Ethics Practice Note and in particular whether the use of the sexual appeal is debasing or abusing a person or group of people for the enjoyment of others and is also lowering in character or quality a person or group of persons.

The Board considered that the use of the language ‘hot girls’ may be in poor taste and is suggesting that good looking women will receive a benefit over men or not good looking women. The Board considered however that offering a product to one group of people over another, on the basis of subjective criteria such as attractiveness, is very vague and does not degrade any particular group of people.

The Board also considered that the use of an attractive women in the context of this advertisement as the basis of which to provide a benefit is not exploitative and 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 poster is on the outside of the premises and therefore able to be viewed by a broad audience.

The Board noted that the poster only shows the image of the head of a woman eating pizza.

The Board considered that whilst the image of the woman eating pizza may be considered sexy, there was a total absence of any nudity or sexualised imagery, and therefore 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 complaints.