



Case Report

1	Case Number	0359/15
2	Advertiser	Urban Purveyor Group
3	Product	Food / Beverages
4	Type of Advertisement / media	Transport
5	Date of Determination	23/09/2015
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
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

There are a several adverts that have different adaptations of people letting their hair down and enjoying themselves at Oktoberfest. The particular ad in question is an image of a man enjoying himself at Oktoberfest and posing for a photo with two girls. The tagline in the advertisement states "Is Steve really shy?"

THE COMPLAINT

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

I think this ad is not only degrading to women, positioning them as sexual objects, happy to be grabbed by drunk men. But more disturbingly I worry about the message it is sending to men that it is ok to drink to the point you loose your inhibitions and stop being "shy" encouraging them to grab woman and that this is appropriate behaviour! What sort of message is this sending to impressionable youth and society. The waitresses at the bier cafe are portrayed as overly sexualised and it encourages sexual harassment in the workplace, which has only recently been on the news.

These ads show highly sexualised images of women for the purpose of selling food and

beverages. I was highly offended at this degrading and demeaning depiction of women because it positions women's bodies as objects. It is well known that the persistent and continuing objectification of women in our society is part of the reasons gender inequality continues to exist in our society. Moreover, I was highly offended by these ads appearing on public transport; it is very difficult to explain to a two-year-old what these ads mean and why we, as females, should feel valued for more than the size of our breasts.

THE ADVERTISER'S RESPONSE

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

Due diligence via Approval Process

All of the creative was put through a rigorous process and was adapted to ensure it fell in line with the codes of ABAC, OMA and the commercial regulations of JC Decaux and APN outdoor. They all deemed the material to be appropriate for advertising.

REASON FOR CONCERN: These ads show highly sexualised images of women for the purpose of selling food and beverages. I was highly offended at this degrading and demeaning depiction of women because it positions women's bodies as objects. It is well known that the persistent and continuing objectification of women in our society is part of the reasons gender inequality continues to exist in our society. Moreover, I was highly offended by these ads appearing on public transport; it is very difficult to explain to a two-year-old what these ads mean and why we, as females, should feel valued for more than the size of our breasts.

Response to the complaint:

Thank you for taking the time to give your feedback, we take all complaints very seriously and this concern you have raised is no different. We feel very strongly that you have misinterpreted this advert and have singled out one execution in a series of adverts. The women in the advert are no different to the women that work or frequent our venue throughout Oktoberfest period every year, dressed in the traditional Bavarian attire known as a 'dirndl' which can be seen in the image. The complaint notes that: "These ads show highly sexualised images of women for the purpose of selling food and beverages. I was highly offended at this degrading and demeaning depiction of women because it positions women's bodies as objects." This is not the case, the purpose of these adverts is to capture the fun, costumes and the Bavarian fare that is synonymous with Oktoberfest which is an event that 6 million people attend every year in Germany, many of whom choose to dress in traditional attire. We are a family-owned business and by no means would we ever discriminate against women or do anything that leads to inequality in Australia. This statement is non-factual and is a stretch to be garnered from the advertising that you are viewing.

Overall, when looking at the advertisements as an overall holistic campaign, you will see that it is clearly evident that both male and females are represented in the manner in the attire they can be seen in at Oktoberfest.

It would be our pleasure to further show you the Bavarian Bier Café experience and the traditional attire for both male and female for Oktoberfest.

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 demeaning in its depiction of women and that the focus on the women’s breasts constitutes objectification of women.

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 the transport advertisements have different adaptations of people celebrating and/or enjoying themselves at Oktoberfest and features several different images of people and staff at the Bavarian Bier Café. These images include the following taglines:

“See Tim from Indoor cricket in action,” “Discover Hannah from Yoga’s hidden talent,” and “Meet Miss Oktoberfest 2004.”

In particular the Board noted an image of a man in a photograph with two women. The text above the image states: “Get Oktoberfested – Is Steve really shy?” Details of the website of the venue are at the bottom. The Board noted it had recently considered similar complaints against this advertiser in cases 0238/15, 0239/15 and 0275/15 where:

“The Board considered that there was a clear connection with the style of clothing and the type of venue. The Board noted that the blouse of the women is low cut and that the cleavage of the women is significant.

The Board considered that the style of dress was consistent with the traditional style of clothing and noted that although there was cleavage visible, the women’s breasts were not exposed.

The Board noted that the woman is smiling and has an open and happy face and she is not posed in a sexual way.”

In the current advertisement the Board noted the complainants’ concerns that the advertisement positions sexualised images of women for the purpose of selling food and beverages.

The Board considered the style of clothing the women are wearing and noted that the dirndl outfits are consistent with the old fashioned traditional style of clothing of Bavaria, and noted that although there was cleavage visible, in all of the images, the women’s breasts are not exposed. The Board noted that and in the particular image with ‘Steve’ the women are smiling and the woman in the centre is not posed in a sexual way and Steve is looking toward the camera and not toward her cleavage.

The Board noted the location of the advertisement on public transport and considered the specific reference to “Is Steve really Shy?” and its use in connection with him leaning closely against a woman. The Board noted the overall tone is intended to be humorous and cheeky and suggesting that Steve does not always behave so confidently.

The Board considered that consistent with its previous determinations the series of advertisements do not present or portray material in a way which discriminates against or vilifies a person or section of the community on account of gender and does not breach

Section 2.1 of the Code.

The Board considered whether these advertisements are 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 be in breach this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that all the women in the advertisements are fully clothed. The Board noted that some members of the community would prefer that women not be used to promote products in this manner but considered that the image of the women is consistent with the type of venue being promoted and the women are not posed in a sexualised manner.

The Board noted the complainant’s concern that the advertisement focuses on the women’s breasts. The Board noted that whilst some of the women are showing more cleavage than others, in the Board’s view the focus is not on this part of the women’s body but on groups of people celebrating and having a good time together. The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading towards women.

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 one of the women in the image with ‘Steve’ is wearing a blouse or dirndl that accentuates her large bosom. The Board noted however, that the pose of the woman is not sexualised. The Board noted the woman’s nipples are not visible and considered that the level of breast visible is not inappropriate for a broad audience which would include children.

The Board considered that this particular image and the images in the accompanying series of advertisements did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainant’s concern that the advertisement is sending the wrong message about drinking to overcome shyness.

The Board noted that the consumption of alcohol can have the effect of increasing one’s confidence. The Board noted the question posed in the advertisement “Is Steve really Shy?” could be generally understood to be suggesting that ‘Steve’ is ordinarily shy but after attending the venue he presents as a more confident person and likely be involved in photographs with people that he may not know.

The Board noted that the advertisement does not show any alcohol in this image and does not suggest that ‘Steve’ needs to drink alcohol in order to become more confident.

The Board considered that the advertisement does not condone or encourage excess consumption of alcohol and does not depict material contrary to prevailing community standards of health and safety.

The Board considered the advertisement did not breach section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

