



Case Report

1	Case Number	0391/16
2	Advertiser	Racing Victoria
3	Product	Sport and Leisure
4	Type of Advertisement / media	Internet
5	Date of Determination	28/09/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement was for the launch of the Spring Racing Carnival, and utilised a homepage buyout of theage.com.au on Thursday 1st September 2016. The buyout included gutters on either side of theage.com.au content, and also an animated MREC embedded within theage.com.au content. The imagery within these assets included a body painted female talent standing at the head of a thoroughbred racehorse.

THE COMPLAINT

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

The photo is offensive, nakedness is unnecessary and totally irrelevant to horse racing. The photo depicts the female as semi naked she would not be attending the races dressed in this manner, it suggests she is simply a sex object for male gratification.

THE ADVERTISER'S RESPONSE

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

The 2016 Spring Racing Carnival campaign advertisements combine sport with art and aims to celebrate the colour and fashion of Australia's most iconic Carnival in a way that is different and innovative.

An award winning design team created on-trend floral wallpaper prints that were body painted on talent, as well as a diamond pattern painted on a leading jockey, Dylan Dunn. The concept uses vibrant flowing fabrics that connects racing silks worn by our athletes and uses a powerful visual representation to promote racing, fashion and the social experience of the Spring Racing Carnival.

Racing Victoria does not believe that this advertisement contravenes the AANA Code of Ethics, as detailed in the ASB complaints.

With reference to the following sections of the code:

2.1 - this advertisement does not discriminate or vilify the female gender in any way

2.2 - this advertisement is in no way sexually suggestive, exploitative or degrading to women

2.4 - this advertisement includes no actual nudity, and is sensitive to the audience of theage.com.au

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 shows a female wearing only body art on her upper body and her breasts are visible.

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 that this internet advertisement depicts a woman and a horse promoting the Spring Racing Carnival.

The Board noted that the woman is wearing what appears to be a dress but the top half is body paint. The Board noted the complainant's concern that the use of a naked woman is not relevant to the advertised product but considered that advertisers are free to use whomever they wish in their advertising and in this instance the use of an image of a woman wearing body paint, which is not obvious at first glance and is artistic rather than gratuitous, is not of itself discriminatory or vilifying to women.

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 be in breach of 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 the Practice Note for Section 2.2 which provides the following definitions:

- “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 is wearing body paint which looks like it is clothing.

The Board noted the complainant’s concern that the woman in the advertisement is presented as a sex object for male gratification.

The Board noted that the advertisement is promoting the Spring Racing Carnival and considered that the use of a floral background, floral head cap for the horse and floral dress/body paint on the woman means that the audience most likely to be attracted to the image would be women, not men.

The Board acknowledged that some members of the community could find the use of a naked woman with body paint covering her torso to be exploitative but the Board considered that the body paint is clearly representative of a dress and in the Board’s view the overall impression is artistic rather than gratuitous and the artistic design is relevant to fashion and spring, both key elements of the spring racing carnival. The Board considered that the manner in which the woman is presented does not debase or abuse a woman for the enjoyment of others and the overall impact of the image is not degrading of either this woman or 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 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 advertisement features nudity. The Board noted that you have to study the advertisement carefully to notice that it is body paint and not a dress the woman is wearing and considered that although the woman is not wearing any actual clothing the level of nudity is reduced by the body paint. The Board noted that the

woman's nipples are not visible and considered that overall the nudity is subtle and the advertisement is not explicit. The Board noted the pose of the woman and considered that she is not depicted in a sexualised manner.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of the online homepage of The Age newspaper.

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.