



Case Report

1	Case Number	0394/15
2	Advertiser	Robyn Hills Photography
3	Product	Professional Service
4	Type of Advertisement / media	Billboard
5	Date of Determination	14/10/2015
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

This advertisement features an image of a woman lying on her back across a chair with her legs raised on the back. She is wearing a black crop top and undies with high-heeled shoes covered in skulls.

The text above her reads, "Need an anniversary gift? and below it reads, "Save \$150. ROBYNgraphs TM Enquire now 5493 4455".

THE COMPLAINT

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

This type of sexualising female bodies continually normalises objectifying women. Teenagers go passed daily on way to school and young mothers with young children also pass by this sign. It sends the wrong message that women are always available and should not be outside on the footpath boundary but rather inside where clients who want this type of photo can see it.

THE ADVERTISER'S RESPONSE

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

Let me start by saying that it is NOT my intention to offend anyone. We live in a small beachside community, where I have lived the majority of my life. Every two months we change the signage over to keep it fresh and interesting.

I'm not objectifying women – I am a PORTRAIT photographer. I equally photograph males and females. I am a FEMALE. My staff are FEMALE – we had a team meeting and discussed the suitability of this photo prior to using it. It was decided that it was not sexual, provocative or revealing.

The woman is clothed in a long sleeved top, with NO cleavage showing. Her legs are showing, but no more than if wearing a pair of small shorts, which is common in our area. The lady is not 'young' (as stated in the complaint - she's nearly 50 years old. As for having an 'available look' (as per complaint) - that is subjective and interpretive by the complainant, not a fact.

The wording is for an Anniversary Portrait, so certainly not targeting 'young' women at all. From other people in town, they have expressed they liked the photo and love the way I keep changing the photos to keep it fresh and interesting.

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 an image of a woman which is objectifies and sexualises her, implies that women are always available, and is not appropriate for a broad audience.

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 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 the advertisement features an image of a woman lying on her back across a chair and wearing a cropped top, knickers and high heeled shoes.

The Board noted that the advertiser is a photography studio and that it had recently considered a similar complaint for a different photography studio in case 0228/15 where:

“The Board noted that the advertisement features a close-up image of a woman’s bottom. The Board noted that the advertiser is a photography studio and that this is the image they have chosen to publicise their work. The Board considered that by using an image of a woman’s bottom the advertiser is using sexual appeal to draw attention to their product. The Board considered that whilst a large image of a woman’s bottom could be considered exploitative in the Board’s view the image is artistic and not degrading.”

In the current advertisement the Board noted that the image features the whole of the woman’s body and considered that there is no undue focus on any area of her body. The Board noted the woman’s stomach is visible but considered that whilst the pose of the woman is mildly sexualised it is not exploitative and degrading to use an image in this manner to promote a photographer’s skills.

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 the complainant’s concerns that the advertisement sexualises women and suggests they are always available.

The Board noted that some members of the community would prefer that images of women were not used to promote products in this manner but considered that in the context of an artistic image promoting a photography studio the level of nudity is not inappropriate as her private areas are fully covered.

The Board noted the pose of the woman and considered that whilst it is mildly sexualised the clothing of the woman is not overly sexual or inappropriate. The Board noted the text of the advertisement, ‘Need an anniversary gift’ and considered that the advertisement does not suggest that women are always available but rather that if you want to give a photograph of yourself to your partner as an anniversary gift the advertiser can provide this service.

The Board noted that the placement of the advertisement outdoors means it would be viewed by a broad audience which would include children and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board considered 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.

