



Case Report

1	Case Number	0405/15
2	Advertiser	Urban Purveyor Group
3	Product	Food / Beverages
4	Type of Advertisement / media	Billboard
5	Date of Determination	28/10/2015
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 five different versions of the advertisement in billboard format, each featuring women wearing traditional Bavarian dress. (In particular images 1 and 2 listed below).

1. Image of three women holding steins of beer. The text reads, "Where three is never a crowd".
2. Image of a woman behind 9 steins of beer. The text reads, "Proof not all heroes wear capes".
3. Image of three women. The woman in the middle has her arms raised up and the text reads, "Hands up if you're ready to party".
4. Image of three women, each with a stein of beer. The stein in the middle has beer foam running over the top. The text reads, "Overflowing with excitement".
5. Image of a woman about to take a sip of beer. The text reads, "Are you thirsty yet?"

All versions have "Oktoberfest 2015" at the top, and "Munich" and a logo at the bottom.

THE COMPLAINT

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

As a woman who is striving for equality in my own workplace and in all aspects of my life, I find the sexualisation of women to sell beer in 2015 offensive. It flies in the face of all that we hear about violence against women yet this advertisement promotes alcohol with sexualised women.

Exploitative and demeaning portrayal of women. Suggesting binge drinking and lewd invitation of sex with multiple partners of you go to the venue.

All images sexualise the women in them, with suggestive slogans alongside. One image showed three women dressed provocatively with beers and the caption read 'Where three is never a crowd' - referring that these women available and interested in sex. The second image I photographed focuses largely on a woman's cleavage and a large amount of beer, with the slogan 'Proof that not all heroes wear capes'. All images in the series are sexually suggestive and depict women as sexually available. I personally find it offensive to market women alongside beer in this way and to depict women in this way in a very public place where everyone is exposed to the messaging. Images and messaging such as these contribute to attitudes that support men's violence against women.

THE ADVERTISER'S RESPONSE

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

Complaint Reference Number: 0388/15

Details of the advertisement:

The advertisements are shown below. There are a series of 5 adverts that show Bavarian women enjoying the spirit, atmosphere and bier that Oktoberfest is famous for. There is one advertisement which show a group of three women laughing and enjoy a stein of bier, which is shot in one of our Bavarian venues. This advertisement, accompanied by the tag line "Where three is never a crowd" is intended to convey the spirit of Oktoberfest whereby friends and strangers alike come to share in the joyous festivities. The tag line is a play on the common phrase 'two's company, three's a crowd', implying that at Oktoberfest there is no ideal combination of people; the more the merrier.

The second advertisement in question show a Bavarian woman leaning down to carry multiple steins, which is a common occurrence at Oktoberfest celebrations where beer maids carry up to 20 steins of bier to tables. The tagline 'Proof that not all heroes wear capes' is in reference to the impressive nature of carrying multiple steins at once. Oktoberfest is well known for been a place of fun, festivities and the celebration that happens there every year for 6 million people. These advertisements when viewed as part of the holistic campaign, represents the celebration of where people choose to go during the Oktoberfest festival in Australia each year, in this particular case it is referring to the Munich Brauhaus.

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. They all deemed the material to be appropriate for advertising.

REASON FOR CONCERN: All images sexualise the women in them, with suggestive slogans alongside. One image showed three women dressed provocatively with beers and the caption read 'Where three is never a crowd' - referring that these women available and interested in sex. The second image I photographed focuses largely on a woman's cleavage and a large amount of beer, with the slogan 'Proof that not all heroes wear capes'. All images in the series are sexually suggestive and depict women as sexually available. I personally find it offensive to market women alongside beer in this way and to depict women in this way in a very public place where everyone is exposed to the messaging. Images and messaging such as these contribute to attitudes that support men's violence against women.

Response to the complaint:

To whom it may concern,

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 advertisement which is part of a multi-channel Oktoberfest campaign.

The complaint notes that: "All images sexualise the women in them, with suggestive slogans alongside. All images in the series are sexually suggestive and depict women as sexually available"

This is not the case, the purpose of this series of adverts is to capture the fun, conviviality, 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. Throughout Oktoberfest, and at our venues, patrons and staff often wear traditional Bavarian outfits – which for women is the dirndl - and can be seen in these images.

The complaint goes further to note that: "I personally find it offensive to market women alongside beer in this way and to depict women in this way in a very public place where everyone is exposed to the messaging. Images and messaging such as these contribute to attitudes that support men's violence against women."

We are a family-friendly business, with a large contingent of respected and highly valued female team members and by no means would we ever discriminate against women or do anything that leads to inequality or harassment in the workplace or in Australia. This statement is non-factual and is a stretch to be garnered from this advertising. To suggest that these advertisements aim to encourage violence against women is a particularly narrow interpretation of the material and not in line with the Munich Brauhaus brand and ethos.

The Oktoberfest festivities that take place at Munich Brauhaus are a celebration of Bavarian food, bier and music which are attended by thousands of Melburnians who seek an authentic and joyous Oktoberfest experience. We have a range of unique activities on offer ranging from family Sundays to Ladies Night and more.

It would be our pleasure to further show you the Munich Brauhaus experience, including the traditional attire for both male and female, during Oktoberfest and experience the array of events and activities taking place across the next 6 weeks.

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 sexualises women and is inappropriate in its depiction of women contributing to negative attitudes toward 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 that this image was a billboard and part of a series of images in the campaign. The particular image features three women together holding stein’s of beer and the text reads “where three is never a crowd.” The second image features only one woman with numerous beers in front of her and the text reads “proof not all heroes wear capes.”

The Board noted it had considered similar complaints for the same advertiser (0238/15, 0239/15, 0359/15 and 0360/15) where similar images and slogans have been used.

The Board noted that overall tone and theme of all of the advertising material is of a similar nature and the images generally depict women in low cut blouses which exposes a modest amount of cleavage. The Board considered that similar to the dismissed cases above, in the current advertisements, the style of dress is consistent with the traditional style of Bavarian clothing worn in bier houses and noted that although there was cleavage visible, the women’s breasts are not inappropriately exposed.

The Board noted that the women appear confident and happy to be associated with the brand.

The Board considered that in this particular matter the images featuring several young women 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 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 in the group image (and the individual image) whilst the women are showing some cleavage, particularly the individual photo and the woman in the middle and on the left of the group photo, in the Board’s view the focus is not on this part of the women’s bodies but on the group of women as a whole. The Board noted that the advertisements do employ sexual appeal by showing attractive women with their breasts emphasised but considered that whilst this tactic could be considered exploitative in the

Board's view it is not a degrading image of 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 complainants concern that the reference to "where three is never a crowd" is a sexual reference to the sexual activity of a threesome. The Board noted that while this may be interpreted by some members of the community to be sexually suggestive of a threesome, the suggestion is mild and that it is equally understood to be a link to the three women in the photo and the idea that socialising with friends is more fun.

The Board considered that most reasonable members of the community would not interpret the wording to be a clear reference to group sexual activity and considered that the advertisement 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 that the advertisement shows several steins of beer in the images but there is no depiction of any person actually consuming beer in the images. The Board agreed that the intention of the advertisements is to promote the venue and Oktoberfest and suggests that celebrations should be shared among friends.

The Board considered that the advertisements do 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 any other grounds, the Board dismissed the complaint.