



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0414/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Urban Purveyor Group</b>
<b>3</b>	<b>Product</b>	<b>Bars/Clubs</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/10/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement is based on two women and two men training for Oktoberfest. The women in the video are depicted as two strong, Bavarian women training for Oktoberfest. The women that are in the film are wearing traditional German clothing and it is shot in a tongue and cheek way to replicate Rocky Balboas famous training scene, with a Bavarian twist; Steins, Beer & traditional outfits. This video goes hand and hand with the male Training for Oktoberfest video which I have also placed below for context. Video titled "Bavarian beauties training for Octoberfest Australia" featuring two women training. In one scene the narrator says, "if you train like a bitch, you'll perform like a bitch".

## THE COMPLAINT

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

*Specifically the narrator says "If you train like a bitch, you'll perform like a bitch". This is said over the image of young heavily sexualised girls running up steep stairs as if in physical training. This is sexist and I find it highly offensive.*

*Generally, the heavily sexualised nature of the images which are the same as images favoured in soft porn. For instance a very tight shot of a woman's midriff section in low*

*waisted shorts, running her thumb under the front of her shorts at about the level of her pubic bone.*

## **THE ADVERTISER'S RESPONSE**

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

*This advert was created in a tongue and cheek manner representing not only two women but two men, training for Oktoberfest. The attire that is being worn by each of the individuals in the advert is traditional German outfits. There is specifically no skimpy training clothing, we utilised traditional long shorts which are worn in our venues and Bavarian tops in order to drive authenticity and humour.*

*We created a vision to reflect strong, confident, empowered women training each other for an event. The advertisement and the respective training regimens for both the men and women are meant to leverage the playful nature of Oktoberfest and the Bavarian Bier Café brand. Our brand and venues are synonymous with not taking itself too seriously and the scripts were written by female and male creative teams with good clean fun in mind.*

*It is not our intention as a business to annoy our potential patrons, this has been created in a light hearted manner.*

## **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 features images of a women in a manner which is objectifying, sexist and of a sexualised nature.

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 complainants concerns regarding the depiction of the women being sexist and offensive.

The Board noted the advertiser's response that the advertising was created in a tongue in cheek manner to playing on the Bavarian culture and the nature of the Oktoberfest beer festival.

The Board noted that it had previously considered complaints for advertising for venues hosting Oktoberfest festivities (ref:0395/14) and determined that while some people may find this offensive and possibly discriminatory, the depiction of women dressed in clothing that is

synonymous with the Bavarian culture, does not amount to discrimination of a section of the community and does not breach section 2.1 of the Code.

The Board then 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 it had previously dismissed a similar advertisement in case 0412/12 for the Bavarian Bier Café which featured men and women in traditional Bavarian dress promoting Oktoberfest. In that case the Board noted that ...”the advertisement campaign uses images which would appeal to the target demographic of 18-30 year old men and women who would likely attend Oktoberfest. The Board considered that there was a clear connection with the removal of clothing to expose the lederhosen and dirndls (traditional Bavarian attire) and the event of Oktoberfest and also that the images include men as well as women”.

In the current advertisement the Board noted that the advertising is designed to modernise but still replicate costumes and ‘fräulein’ consistent with the style of dress of the Bavarian culture. The Board noted that that the women in the advertisement are dressing and training for the specific Oktoberfest event. The Board noted that the women are dressed in shorts and blouses. The Board noted that the advertisement does focus on the women’s bodies and the visuals include images of the women running up stairs, performing squats and also strengthening exercises while holding beer steins both empty and full.

The Board noted that the imagery is exaggerated and staged to create a humorous and movie-like feel to the scene. The Board noted that in connection with the voiceover, the imagery is playful and light-hearted and that although the women’s bodies form a key part of the advertising, there is no inappropriate positioning or lingering camera shots on the women’s cleavage or buttocks.

The Board noted that the image is directly related to the event and considered that the overall impression is one of attractive women in traditional dress and is not exploitative or degrading. 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 considered that the target audience for this event and the advertisement is young people over the age of 18 who would likely attend Oktoberfest activities and that the imagery used in the advertisement is appropriate to that audience. The Board considered that the advertisement features on a website for Oktoberfest (<http://oktoberfest.com.au>) and that it is unlikely that children will visit this website.

The Board noted that the women are completely covered by their attire, there is no nudity and there is no inappropriate sexual activity.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finally, the Board considered section 2.5 of the Code. Section 2.5 states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted the complainants concerns regarding the use of the phrase “If you train like a bitch, you’ll perform like a bitch.”

The Board noted the Macquarie Dictionary definition of bitch as:

2. Colloq. A woman, especially a disagreeable one malicious one.

The Board agreed that the use of the word bitch can be used in a spiteful way (as above) and is often a detrimental reference to a woman or women but in this case in the context of two women training for an event, the term 'bitch' is not a derogatory term but in this instance is used as a training term with an emphasis on encouraging training partners to work harder. The Board considered that some members of the community would prefer to not have such words used in advertisements but agreed that the use of the term bitch in context does not reach the measure of being strong or obscene and did not breach section 2.5 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.