



Case Report

1	Case Number	0416/14
2	Advertiser	Lexus Australia
3	Product	Vehicle
4	Type of Advertisement / media	Print
5	Date of Determination	22/10/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement was a newspaper advertisement as a part of Lexus' "L'Exhibition" campaign.

The left-hand side of the Advertisement depicts the face and shoulders of a woman with a front view of a white Lexus RC 350 F Sport in the foreground. The woman wears dark eye make-up with artistic, artificial, pink lower eyelashes, and dark lipstick.

The copy on the right-hand side of the Advertisement reads "L'Exhibition now on" in large-size text, followed by "L'Exhibitionists, it's time to express yourself with generous Factory Incentives across a stunning range of Lexus vehicles. Plus, all the benefits of the Lexus Encore Privileges Programme, including service loan vehicles and 24 hour roadside assistance." Underneath is the subheading "Outstanding incentives across a range right now", as well as images of vehicles and their drive-away prices, followed by dealership contact details.

THE COMPLAINT

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

The overall implication of this ad is:

1. The driver (of the car being advertised) should expect the driving of said car to provide a sensation similar to getting a blowjob by a female;

2. *The female is represented as a mere tool, not a human being, something to be used for pleasure;*

3. *It furthers the idea of 'male entitlement';*

4. *It is degrading to the female human, additionally also implied by the fact that all ordinary human features beyond the most basic ones have been airbrushed away (it is no doubt a computer-generated image, but that's not the point), thus rendering her 'not human'.*

5. *The excessive make-up implies that decoration is necessary for female humans.*

The most offensive aspect in the ad is the sexual implication and the female being offered as a de-personalised tool for that. I strongly object to this advertisement, which is truly offensive to all human dignity. In a society where we have commissions looking into sexual abuse and sending convicted offenders to jail, such imagery as this Lexus ad is saying the opposite: it's actually ok to use the female, she's not human anyway so go right ahead.

THE ADVERTISER'S RESPONSE

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

We refer to your letter regarding complaint number 0416/14 ('Complaint'). Thank you for the opportunity to provide our comments in relation to the Complaint.

We understand that the Complaint was in respect of the attached advertisement, which appeared in The Age on 6 September 2014 ('Advertisement'). The Complaint alleges that the Advertisement is a breach of section 2 of the Australian Association of National Advertisers Code of Ethics ('Code').

Lexus Australia ('Lexus') always goes to considerable efforts to ensure that all marketing and public communications that are produced and distributed on its behalf adhere to the Code. Lexus's view for the reasons that follow is that the advertisement does not breach the Code.

Description of the Advertisement – L'Exhibition

The Advertisement was a newspaper advertisement as a part of Lexus' "L'Exhibition" campaign. The L'Exhibition campaign is being run across a range of media – including online, print, and outdoor – using the same imagery as the Advertisement.

The left-hand side of the Advertisement depicts the face and shoulders of a woman with a front view of a white Lexus RC 350 F Sport in the foreground. The woman wears dark eye make-up with artistic, artificial, pink lower eyelashes, and dark lipstick.

The image is taken from a photograph by the British photographer John Rankin Waddell, professionally known as Rankin. Rankin is a noted portrait and fashion photographer and founder of Dazed and Confused magazine.

The copy on the right-hand side of the Advertisement reads “L’Exhibition now on” in large-size text, followed by “L’Exhibitionists, it’s time to express yourself with generous Factory Incentives across a stunning range of Lexus vehicles. Plus, all the benefits of the Lexus Encore Privileges Programme, including service loan vehicles and 24 hour roadside assistance.” Underneath is the subheading “Outstanding incentives across a range right now”, as well as images of vehicles and their drive-away prices, followed by dealership contact details.

The Complaint

The key allegations in the Complaint appear to be that the imagery include in the Advertisement:

- 1. dehumanises the woman depicted and is therefore degrading to females;*
- 2. contributes to the expectation that women are required to look a certain way as “[t]he excessive make-up implies that decoration is necessary for female humans”; and*
- 3. is suggestive of fellatio.*

Our response to the Complaint

1. Allegation that the image dehumanises the woman depicted

The Advertisement is an attempt to communicate a sense of self-expression. The message in the Advertisement is that Lexus drivers are people who want to stand apart from others and express themselves through their distinctive vehicle choice.

The image is not intended to show a person who looks natural. The image is a reminder that through our capacity for self-expression we can make choices which redefine us. This is not dehumanising; defining ourselves through our choices is an essential aspect of the human condition. The copy in the Advertisement, and particularly the words “it’s time to express yourself”, emphasises this interpretation.

The unusual and artistic make-up worn by the woman reflects themes of distinction, and standing apart from the crowd. The woman’s dramatic eye makeup and darkened mouth were chosen to reflect the distinctive design features of the RC 350 F Sport, particularly the vehicle’s signature “spindle grille” and unique headlights. At the same time, the woman’s striking appearance is intended to mirror Lexus drivers’ desire for self-expression and distinction.

2. Allegation that the image suggests women must look a certain way

As the Advertisement is a print advertisement, the image selected needed to have visual appeal and immediately attract attention. A striking image from a well-known fashion photographer was a natural choice. The artistic and brightly coloured eyelashes immediately catch the eye, and are complemented and emphasised by the stark white background. They are deliberately intended to be unusual and suggest independence and individuality.

As discussed above, our intended message is that the choices we make enable us to be different and distinctive, and to stand apart from the crowd. This message is diametrically opposed to the proposition that women must look a certain way. Our intended message is that people can express themselves in many different ways, including through their appearance.

3. Allegation that the advertisement is suggestive of fellatio

It was not our intention that the image selected for the Advertisement should connote sexual activity in any way whatsoever. As with all forms of art, different individuals will interpret this image in different ways. However, Lexus does not believe that most people in the community would interpret an image of a woman with a partially open mouth as suggestive of fellatio.

The context of the Advertisement is not sexual. The Advertisement does not suggest or imply that the woman in the photograph is in any way a sexual object. Instead she is portrayed as a unique and independent person. The copy in the Advertisement, and particularly the words “it’s time to express yourself”, emphasises this interpretation.

Application of the Code

Lexus is committed to the Code and the policy objectives which underpin it. Lexus’s view is that the Advertisement does not breach the Code, for the reasons outlined below.

It is not disputed that the Advertisement is a marketing communication to which the Code applies.

2.1 Advertising or Marketing Communications shall not portray people 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.

As discussed above, the Advertisement is an interpretation and celebration of self-expression, individuality and empowerment. The Advertisement does not include any material which discriminates or vilifies any person or group of people.

While a woman is depicted in the Advertisement, the depiction is positive and in no way does the depiction of the woman encourage discrimination or vilification on the basis of gender

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. According to the Advertising Standards Bureau’s determination summary for alleged breaches of section 2 of the code (‘Determination’), a breach of section 2.2 requires that an advertisement uses sexual appeal in a manner that is both exploitative and degrading.

Sexual appeal

In our view the Advertisement does not use sexual appeal.

We note that “sexual appeal” is not a defined term, and that the Determination states that sexually appealing material may be taken to include a suggestion of sex; some nudity; a sexual pose; or tight clothing.

As discussed above, in our view the Advertisement does not employ sexual appeal or include any sexualised connotations. The Advertisement is an appeal to people’s capacity for self-expression.

Exploitative

In our view the Advertisement is not exploitative.

The Determination describes something as being exploitative if it is “clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.”

As discussed above, the Advertisement is an artistic interpretation by a noted portrait and fashion photographer of the concept of self-expression and individuality. The Advertisement does not debase or abuse anyone or any group of people.

Degrading

In our view the Advertisement is not degrading.

The Determination describes something as being degrading if it is “lowering in character or

quality a person or group of persons”.

As discussed above, particularly in our response to the allegation in the Complaint that the Advertisement dehumanises women, the Advertisement is centred on concepts of self-expression and empowerment. These themes cannot reasonably be interpreted as lowering in character or quality a person – they are positive traits that the broader community encourages and respects.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Advertisement does not involve violence.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

As discussed above, in our view the Advertisement is not suggestive of sexual activity. We reject the allegation that a reasonable member of the community would interpret the Advertisement as sexually suggestive.

The Advertisement was published in a broad public forum (a newspaper) and in our view the image was suitable and appropriate for this broad public audience.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The Advertisement does not include any strong or obscene language, nor any that would be considered inappropriate for the given audience.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement does not contain any material that contradicts Prevailing Community Standards on health and safety.

It is respectfully submitted that the Advertising Standards Board should take no further action against Lexus with respect to the Advertisement, and that the Complaint should be dismissed.

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 a sexualised image of a woman which is degrading as it suggests the woman is ready to give oral sex.

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 print advertisement features an image of a woman's face above a Lexus car. The Board considered that the image is stylised and that the woman is made up with an excessive amount of make-up.

The Board noted the stylised nature of the image and that the accompanying text reads, "L'Ehibitions, it's time to express yourself..." The Board noted that there are no sexual references in any of the text and that the woman is not depicted in a sexualised pose. The Board noted the complainant's concern that using a woman in this manner is offensive but considered that the image is consistent with images used in advertising to promote a range of products and in this instance the Board considered that the use of a stylised fashion image of a woman is not discriminatory towards women.

The Board considered that the advertisement does not depict material which discriminates against or vilifies a section of the community based on 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 2.4 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 woman's open mouth in the advertisement is suggestive of oral sex.

The Board noted it had previously dismissed a similar complaint about the depiction of a woman in 0254/14 where:

"The Board noted the complainant's concerns that in the beginning of the advertisement, the facial expressions of the woman with slightly opened and wet lips is reminiscent of imagery used in pornography.

The Board noted that the woman's face is depicted as nervous and worried as she bites her lip and looks side to side showing her uncertainty with what she is doing. The Board noted that the voiceover clearly describes the feelings that many people have about purchasing tickets online and how nervous this often makes people feel. The Board considered that the overall impression is not one that is of a sexual nature."

In the current advertisement the Board noted that the image of the woman is linked to the text regarding expressing yourself and considered that overall most members of the community would interpret the image as a fashion image rather than a sexual image. The Board noted that the advertisement does not contain any sexual references or suggestions and considered that overall the depiction of a woman with her mouth open does not in this context amount to a suggestion of oral sex.

Consistent with its previous decision 0254/14, the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.