



Case Report

1	Case Number	0425/10
2	Advertiser	Unit
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	27/10/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Sex/sexuality/nudity - Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A topless woman wearing pink bikini bottoms is sat astride a BMX bike. She is wearing a baseball cap with the Unit logo. Her long blond hair and the handlebar of the bike are covering her nipples although the outline of her breasts is visible.

THE COMPLAINT

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

It is in public view in front of a bus stop. Not to mention all the obvious amoral reasons.

THE ADVERTISER'S RESPONSE

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

Please find below points addressing/correcting some of the information suggested by the complainant:

1. A female is sitting on a small BMX bike, wearing small pink bikini pants and a hat. Her legs are wide open and the handle bars just cover her size DD/E breasts.

Unit is a two-wheeled sports brand hence the girl is sitting on a BMX bike. Her bikini pants are of a standard size, seen commonly at the beach. Unit is a Gold Coast based brand and this fits with its theme.

While the girl's legs are apart, that is the standard position to be when sitting on a BMX bike. As stated, the woman's breasts are in fact covered - the size of her breasts should not be considered relevant.

2. The brand has had similar type ads before.

Unit has regularly featured attractive women in its advertising. The women are always depicted in a positive, respectful and happy manner and the advertisements have been widely accepted.

3. The poster is situated near a display of t-shirts featuring naked, big breasted women wearing just a hat.

None of Unit's advertisements feature fully naked women. Models' breasts are always covered, and again, the size of individual models' breasts should not be considered relevant.

4. It is in public view near a bus stop.

The poster features an image used on one of Unit's most popular t-shirts. Due to the reasons above, its location is not inappropriate.

In relation to the criteria outlined in Section 2.3 of the AANA, please find Unit's response below.

2.3 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

The woman featured in the poster is happy and representative of the Gold Coast. She is participating in an active lifestyle as promoted by the brand and is in no way demeaned, degraded or disrespected. While the image features an attractive woman, there is no gratuitous nudity on display and any sexuality depicted is treated with sensitivity to the brand's audience.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that this poster features a young woman straddling a bike, wearing bikini bottoms and a cap. The Board noted that this poster is outdoors and so can be viewed by a wide audience.

The Board noted the advertiser's response that this image is in keeping with their Gold Coast based brand and that the woman featured in the advertisement is happy and is participating in an active lifestyle.

The Board considered that the nearly naked woman has no relevance to the product.

The Board noted that the woman is wearing high heeled shoes and is not wearing a bicycle helmet and is therefore not likely to be seen by the audience as being someone who is actually riding the bike or participating in the sport. The Board noted that although the woman's nipples are covered by her hair, the rest of her breasts are visible. The Board considered that the combination of the woman's near nudity, her high heels and her facial expression, coupled with her stance, make this a sexualised image.

The Board noted that the advertisement is a poster that is available to a broad audience. The Board considered that the sexualized image in the advertisement did not treat sex, sexuality and nudity with sensitivity to the broad audience likely to see the advertisement.

Based on the above, the Board considered that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and was therefore in breach of section 2.3 of the Code.

Finding that the advertisement breached section 2.3 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

We will uphold the complaint and remove. This may take some days to coordinate, so we would appreciate the Bureau's patience as we remove/modify the signage.

The ASB received a further complaint in March 2012 regarding the use of this advertisement in another location. Unit have advised the ASB that they will ensure the advertisement is removed immediately.