



# Case Report

1	Case Number	0425/15
2	Advertiser	Metropolitan Motorcycle Spares
3	Product	Automotive
4	Type of Advertisement / media	Internet
5	Date of Determination	28/10/2015
6	DETERMINATION	Upheld - Not Modified or Discontinued

## ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

A woman is lying in front of a motorbike. She is wearing lingerie and is reclined with her head all the way back and has high heels on. There is a speech bubble that reads: "we dispatch in 48 hours."

## THE COMPLAINT

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

*It depicts women in sexual, objectified manner (degrading) and dressed/depicted in a manner that has no relevance to ad other than sex appeal. (exploitative).  
I have complained to the print publication (cycle torque) before as they have had those ads and similar for over a year- they did not see an issue with it appearing in their print circulation and advised me to take my complaint to the business as they do not have control over images or contents of ads in their magazine.*

## THE ADVERTISER'S RESPONSE

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

*The advertiser did not respond to this matter.*

## **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 objectifies women and features inappropriate imagery that is not relevant to the product.

The Board viewed the advertisement and noted the advertiser did not provide a 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 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 that the advertisement featured an image of a motorbike and in the foreground, the image of a woman in black lingerie and high heels positioned with her back arched and head tilted back. A large speech balloon reads: “we dispatch stock within 48 hours.”

The Board noted that the advertisement was for services offered by the motorcycle wreckers.

The Board noted that it had previously upheld a similar advertisement for the same advertiser (0316/13) where the woman had no top on and was cupping her own breasts.

In the previous case, the Board considered that:

“the image bore no relevance to the product and that the woman was presented purely as an object to be looked at by readers. The Board further considered that the woman was presented in a sexualised position almost naked and that the depiction of her holding her breasts increased the appearance of the advertisement as being demeaning and exploitative.

The Board considered that the advertisement did employ sexual appeal in a manner that was exploitative and degrading to women and that it did breach Section 2.2 of the Code.”

Similar to the decision above, in the current case, the Board considered that the pose of the woman in a reclined position with her head thrust back, her oiled body and wearing only lingerie and high heels did amount to an image that was sexualised and that it had no direct relevance to the product/service being promoted. The Board considered that the advertisement depicted the woman as being available for exploitation and used the woman’s sexual appeal to draw attention to the advertiser.

The Board considered that the advertisement did employ sexual appeal in a manner that was exploitative and degrading to women and that it did 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 that the image appeared online at [www.motorcyclewreckers.com](http://www.motorcyclewreckers.com)

The Board noted that a motorbike wreckers website is something that would likely be searched for by a member of the motorcycle fraternity and that it is not a website that would appeal to children or likely to have children searching for their services.

The Board noted that the advertiser did not respond and could not confirm the intended audience for this particular material. In the absence of formal confirmation, the Board agreed that the likely audience for this style of website was adults interested in motorbikes and looking for parts and/or wreckers and that a large proportion of them would be male.

The Board noted that it had previously upheld a similar image for Kittens Car Wash that

featured a woman in a reclined position in a bikini on the side of a vehicle (0504/10).

In that case, the Board noted that:

“the advertisement depicted a bikini clad woman lying down with her back arched and her head turned away from the viewer. In the Board’s view this depiction is a sexually suggestive and sexualised image. The Board also considered that although the woman was not naked, she was clothed revealingly and a significant portion of her breast is visible.

The Board noted the advertisement is featured on the side of a car and expressed concern that the medium on which the advertisement appears is available for viewing by a broad audience. The Board considered that the image in the advertisement is sexualised and the size and repetition of the advertisement means that it is clearly available for viewing by a broad audience.

In the Board’s view the overall impact of the advertisement is sexually suggestive and brings the issue of sex to all who see it, including children. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and therefore breaches section 2.3 of the Code.”

The Board noted that in the current matter (0425/15) the woman is not naked but her lingerie is brief and is distinctly lingerie and not a bikini. The Board considered that the position of the woman lying in front of the motorbike was a sexualised image.

The Board discussed specifically the issue of relevant audience. The Board considered that in contrast to the Kittens case mentioned above, the level of sexualisation and of nudity in the advertisement was not inappropriate for the relevant audience who would likely be adults who may search for the services offered by the advertiser as they purchase parts or other services offered by the motorcycle wreckers.

Based on the limited audience and the likely relevant audience, The Board considered that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.2 of the Code, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The advertiser has not provided a response to the Board's determination. The ASB will continue to work with the relevant authorities regarding this issue of non-compliance.