



Case Report

1	Case Number	0434/12
2	Advertiser	Muscle Worx
3	Product	Health Products
4	Type of Advertisement / media	Outdoor
5	Date of Determination	14/11/2012
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

DESCRIPTION OF THE ADVERTISEMENT

Billboard located on the west facing wall of the car park outside Muscle Worx. There are two figures (Nina Sillic - Australian Champion IFBB Bikini Model and Ben Booker - Sponsored Athlete Applied Nutraceuticals) wearing workout clothing which highlights their muscular physiques.

The text reads, "muscle worx. www.muscleworx.com.au".

THE COMPLAINT

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

I find this advertisement very offensive and sexualised. It is obviously meant to attract men to this store. She is in a very seductive pose and it does appear that she is pulling her underwear down. The pants have been pulled so low that it seems to reveal her pubic area. I do not think this type of advertisement is appropriate. It is in a very prominent position near a main road and also near where children would be, as there is a video store, doctor's surgery and pet shop nearby. There is no need to have this type of advertisement for muscle building products. What does a women taking off her underwear have to do with muscle supplements. This is just a very sexual photograph aimed at drawing in men to the store. It

depicts women as a sexual object. I would like to see this advertisement removed and something more tasteful in its place.

THE ADVERTISER'S RESPONSE

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

Complainant came into store to discuss issue when passing by. The image has been here for 5 months now and she only noticed it that day. Initially spoke to my junior store attendant before I had a discussion with the lady, I passed on all my details and invited her to discuss further or call me at a later date. Her initial complaint was centred around the male figure, now in the complaint I see it is the female she has an issue with.

I explained that the girl in the image

- Is a local girl and works within the shops. She is more of a infectious inspiration to a lot of the females who come to our store. Preparing their diets, helping with supplementation and training at local gyms around the area. Our customers are 50% male, 50% female and much of this is down to her impact in the community. She recently competed at Arnold Classic representing Australia and just two weeks ago won the Australian title in Sydney. This image has not been commented on or taken as sexist by anyone else in the community. There is no wording on the image at all.

- This signage has been approved by local council for size, location and suitability.

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 is sexist in its portrayal of a woman wearing little clothing, and presents a woman in a sexualised manner.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “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...gender...”

The Board noted that the advertisement features a male and a female body builder showing off their muscle definition.

The Board noted the complainant’s concerns that the woman is presented in a manner designed to attract men to the store and considered that the depiction of the man in the advertisement could equally be said to be attractive to women. The Board noted that the advertiser provides bodybuilding supplements to male and female bodybuilders and considered that the image is consistent with this target market.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of gender and 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 the complainants’ concerns that it is degrading to show a woman with her underwear so low slung as to be revealing her pubic area. The Board noted that the woman is wearing a training top and flesh coloured training pants which are consistent with the attire worn by bodybuilders. The Board noted that the man in the advertisement is also wearing training clothing and that his shorts are also low slung so as to accentuate his defined stomach muscles.

The Board noted that that it had previously upheld a similar image for an advertiser promoting bodybuilding supplements (case reference 0495/11) which featured an image of a female wearing lingerie and pulling at her underwear bottoms. In that instance the Board considered that the woman was not presented as a bodybuilder but in a manner which was gratuitous and sexualised. In this instance however the woman is clearly depicted as a bodybuilder and therefore equal to the man in the advertisement. The clothing in this advertisement differs to that of case 0495/11 in that it is not lingerie but work out wear, and the woman is not pulling at her clothing but has her hand resting on her thighs.

The Board considered that the woman and the man are not presented in a manner which is exploitative and degrading.

The Board determined that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to men and that the advertisement did not breach Section 2.2 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 concerns that the image is sexualised and not appropriate for outdoor display. The Board considered that whilst the advertisement does display the toned bodies of the man and the woman it does so in the context of a bodybuilding environment and it is not sexualised.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

