



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0434/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Breitling Oceania Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Retail</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - On Demand</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/11/2015</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

## DESCRIPTION OF THE ADVERTISEMENT

The video opens with the P-51 Mustang “Strega” landing mid-race for a pit stop. The pit crew are all dressed in red aviation suits and equipment and attend to refuelling the plane. There is a lady controlling the pit stop sign. She is stood some distance from the plane on the runway, dressed in a red flight suit and headset. While the plane is being tended to, the pilot exchanges a flirtatious smile with her, and she returns this smile. After a few seconds her smile fades and she starts to look perplexed. In the next shot we can see that another lady, also in team colours, has approached the pilot more directly and leans into the plane with a refreshment. She looks back at the original pit girl with a smile to show that she has won his attention. The pilot dismisses this rivalry with a chuckle and starts the race again flying off to compete with the P-51 Mustang “Voodoo”. Numerous watch shots appear throughout the TVC.

## THE COMPLAINT

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

*This is an advertisement for a watch. The lingering close-up on the woman's short-clad bottom is unnecessary and extremely offensive. You do not wear a watch on your bottom, so why are we made to stare at this woman's bottom?*

## THE ADVERTISER'S RESPONSE

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

*Thank you for making us aware of a complaint you have received about a Breitling TV commercial which has aired on an international channel in Australia, via on-demand delivery.*

*The TV commercial in question is produced and distributed by Breitling Headquarters in Switzerland. It is currently being aired on CNBC as part of the global media buy. It has not been booked locally specifically to air in Australia and can be considered as spill-over into this market via a paid subscription television service.*

*We do however appreciate that a response is still required, so please find below the information you require:*

### *A description of the advertisement*

*30 sec TV commercial. Featuring exceptional airplanes, breathtaking images, a touch of humour and just a hint of rivalry. The new 2015 Pit Stop TVC features the dynamic, laidback style, typical of all Breitling advertising movies.*

*Shot on the runway of the Mojave Air and Space Port in California, this stunning spot ad highlights two of the most incredible and high-performance airplanes in the world – the P-51 Mustang “Strega” and the P-51 Mustang “Voodoo” – which between them have won all the most recent editions of the famous Reno air races (Nevada), billed as “the world’s fastest motor sport” and of which Breitling is the main sponsor.*

*Attractions include a shot of in-race refuelling – a nod to Formula 1 – performed by an efficient and charming team, and where the spirit of conquest extends beyond the sporting domain.*

*Breitling’s TV commercials are designed to promote various watches throughout, as much as to demonstrate the spirit of the brand. Aviation always provides the backdrop for Breitling TV commercials, due to the nature of the brand’s aviation heritage.*

*In the 2015 Pit Stop TVC the featured watches are the Breitling Super Avenger II, and the Breitling Navitimer. Screen grabs of where these appear are attached in the image “2015 Pit Stop TVC - Watch content”.*

*We dispute any complaint citing a lingering close-up of a woman’s bottom, for the following reasons:*

- The shot is not a close-up; it is a much wider shot, which includes the woman, the cockpit and the pilot.*
- The shot is not lingering; the frame is less than one-second long as demonstrated in the attached image “2015 Pit Stop TVC – Frame by frame”.*

*Breitling has always been a bold and daring brand, which is expressed in a number of ways including the Breitling TV movies which feature humorous, stylised fun with a retro feel.*

*The advertisement does not breach any sections of the AANA Code of Ethics (Code). We note in particular that you have identified that the advertisement may breach Sections 2.1, 2.2 and 2.4 of the Code. Below we set out our reasons for believing that that the advertisement does not breach any sections of the Code.*

#### *Section 2.1 Discrimination or Vilification Gender*

*The advertisement does not feature any discrimination or vilification on the basis of gender. Discrimination involves unfair or less favourable treatment of a gender in an advertisement (AANA Code of Ethics Practice Note (Practice Note), p 3). The women who are featured in the advertisement are, to the contrary, portrayed as stylish, confident and valued members of a crew. They are not portrayed in a less favourable way than men. Further, there is clearly nothing in the advertisement that would humiliate, intimidate or incite hatred, contempt or ridicule against women.*

#### *Section 2.2 Objectification*

*Section 2.2 of the Code requires that advertisements do not employ sexual appeal in a manner that is exploitative and degrading. The ASB has on several occasions noted that, to breach this section, an advertisement must be both exploitative and degrading. The Breitling advertisement is neither.*

*The Practice Note indicates that "exploitative" means "clearly appearing to purposefully debase or abuse a person ... for the enjoyment of others, and lacking moral, artistic or other values". It cannot be said that the women in the advertisement are shown in a manner that is debasing or abusive. Rather they are shown as stylish, happy, confident and in-control members of a team.*

*The Practice Note further states that "degrading" means "lowering in character or quality a person or group of persons." There is nothing in the depiction of the women in the advertisement that would lower the audience's estimation of their character or quality.*

*In relation to Section 2.2, the ASB has repeatedly held that the mere fact that women are depicted in an advertisement as sexually appealing is not sufficient, of itself, to breach the Code. In this respect, the ASB has described the following images as being acceptable:*

*Images presented in a humorous and light-hearted manner with happy and confident characters who are in control of their decisions and that the gaze of others is admiring and appreciative rather than threatening or predatory*

*Furthermore, the ASB has expressly stated that advertisements "that use nudity or sexuality in a humorous and light-hearted manner, where the images are not gratuitous or degrading, are generally considered acceptable by the Board, even in cases where the nudity is not directly related to the product."*

*In this respect we would make the following points:*

- *The advertisement does not feature any nudity, near-nudity, overt sexuality or scantily dressed characters. It features two women, one of whom is dressed in a flight suit and another in a white collared shirt and red shorts;*
- *The tone of the advertisement is humorous and light-hearted, rather than in any way degrading or abusive;*
- *The women are not subject to any threatening or predatory gaze at any time;*
- *The advertisement is highly stylised, elegant and stylish, in line with the extraordinary timepieces produced by Breitling;*
- *The women in the advertisement appear happy, confident and in control. This has been considered to be a relevant factor by the ASB in dismissing complaints under section 2.2 in the past (see, for example, 0194/14, Energiser Australia);*
- *The imagery of the ladies competing for the pilot's attention is relevant to showing that the timeless elegance of Breitling's products is likely to draw admiration from women.*

### *Section 2.3 Violence*

*The advertisement does not contain any violence.*

### *Section 2.4 Sex, sexuality and nudity*

*As noted in relation to section 2.2, the advertisement does not feature any nudity, near-nudity or sex scenes. The lady who brings the refreshment for the pilot is stylishly dressed in team colours, wearing a collared shirt and shorts. We do not consider that she is scantily dressed.*

### *Section 2.5 Language*

*The advertisement does not contain any words at all.*

### *Section 2.6 Health & Safety*

*The advertisement does not depict anything that is contrary to prevailing standards of health and safety.*

*Whilst we take nothing away that this may have offended an individual, I trust this in some way helps rationalise and provide some context.*

## **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 offensive material by showing a close up of a woman's bottom which is not relevant to the product.

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 advertisement shows a plane landing mid-race for a pit stop. The pit crew are all dressed in red aviation suits and equipment and start to refuel the plane. There is a woman controlling the pit stop sign. Another woman dressed in shorts and a blouse approaches the pilot with a refreshment. Numerous images of watches are shown throughout the advertisement. The voiceover at the end states: "Breitling, instruments for professionals" and the web address.

The Board noted that the brand, Breitling, has a strong association with aviation and considered that the use of the planes and the concept of the plane having a 'pit stop' similar to a car race is intended to be light-hearted and is unrealistic.

The Board noted the complainant's concern that scene of the woman leaning into the cockpit to provide a beverage to the pilot features a lingering shot of her bottom that is irrelevant to the product – a watch.

The Board noted that the particular scene is intended to portray a rivalry between the women in the race team and is very fleeting.

The Board agreed that the use of an attractive woman in this manner is a stereotypical 40's style depiction of attractive women but that it is not negative or demeaning to women in general and did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did 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 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 the woman wearing short shorts and leaning over toward the pilot. The Board noted that the woman's shorts cover her bottom completely and her manner is a flirtatious, playful behaviour with the pilot.

The Board noted that overall the advertisement is telling a story and is presented in a film like

way reminiscent of the war era. The Board considered that the woman is playing a part in this story and is confident and sure of herself and her actions.

The Board considered that overall the advertisement did not employ sexual appeal in a manner which is exploitative and degrading towards women.

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 noted that the woman is completely covered by her clothing and there are no exposed buttocks in the particular scene.

The Board considered that the woman’s behaviour toward the pilot is flirtatious but not overtly sexual and noted that though the pilot returns her attentions, he carries on with his task of flying the plane.

The Board noted that the filmic, fantasy nature of the advertisement portrays a fun and exciting scenario and considered that most members of the community would not consider the advertisement to be inappropriate.

The Board noted the intended audience for a product of this nature would be adults.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.