



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0442/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Purl Bar</b>
<b>3</b>	<b>Product</b>	<b>Restaurants</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>9/11/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

Promotion for a Melbourne Cup Afterparty at the Purl Bar in Subiaco. The image shows a woman on all fours on a bed with a saddle on her back.

### THE COMPLAINT

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

*Degrading and demeaning towards women.  
The advertisement equates women to horses, depicts them as sex objects, and as such is highly offensive.*

### THE ADVERTISER'S RESPONSE

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

*The attached Melbourne Cup promo was promoted on our Facebook page <http://www.facebook.com/purlbar> as well as emailed to our mailing list.*

*The shot of the woman on the bed with a saddle on her back is a famous Helmut Newton shot from the 80's. [http://en.wikipedia.org/wiki/Helmut\\_Newton](http://en.wikipedia.org/wiki/Helmut_Newton)  
The shot used was part of a Vogue Magazine fashion editorial in the Eighties.*

## **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 degrading and demeaning toward women and is highly offensive.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features a woman on all fours on a bed, she has a riding saddle over her back and the text around the image is an invitation to a Melbourne Cup after party at the Purl Bar.

The Board noted the complainants’ concerns that the advertisement objectifies women. The Board noted that the image is an iconic photo by the famous Helmut Newton photo from the 80’s and was used as part of a Vogue Magazine fashion editorial in the 80’s.

The Board considered that the use of this image on Facebook and via an email member distribution list meant that it would be viewed by a limited audience that would not likely include children. The Board considered that it is reasonable for the advertiser to use such an image at the particular time of year as a clear connection can be made with the Melbourne Cup event and the racing saddle over the woman’s back in the image.

The Board considered that, while the advertisement does depict a woman in a pose that may be considered by members of the community as demeaning toward women, the image does not expose any inappropriate parts of the woman and is a stylized image recognized by many as an iconic fashion image. The Board noted that the pose of the model is provoking but not inappropriate for the likely small audience.

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

