



Case Report

1	Case Number	0445/15
2	Advertiser	Body Bare Beauty
3	Product	Beauty Salon
4	Type of Advertisement / media	Billboard
5	Date of Determination	25/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features an image of a naked woman sitting on her heels. She is photographed from behind so we can see her full bottom resting on her feet. The text reads, "Body Bare Beauty 3281 8685".

THE COMPLAINT

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

Unnecessarily sexualised image of a woman, in appropriate, near a busy road, other ways to show beauty benefits

THE ADVERTISER'S RESPONSE

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

Section 2.1

The signs to not offend this section of the Code as it is not discriminatory or vilifying because it simply putting the concept of the advertiser's business waxing and tanning by showing a waxed and naked tanned women crouching from behind in an non explicate and tasteful way.

Furthermore, the text is benign and simply descriptive.

Section 2.2

The signs do not offend this section of the Code given the nature of the advertiser's business the signs are descriptive and connected to the business branding in relation to waxing and tanning.

Section 2.3

The signs do not offend this section of the Code because to a "reasonable person" (legal emphasis added) there is no violent tones contexts.

Section 2.4

The signs do not offend this section of the Code because the relevant audience is women and to a "reasonable person" (legal emphasis added) the signs are descriptive and not sexual.

Section 2.5

The signs do not offend this section of the Code because to a "reasonable person" (legal emphasis added) there is no strong or obscene language.

Section 2.5

The signs do not offend this section of the Code because to a "reasonable person" (legal emphasis added) there are no health and safety issues in the text or pictures used on the signs.

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 depicts an unnecessarily sexualised image of a woman and is not appropriate for outdoor display.

The Board viewed the advertisement and noted the advertiser's 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 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 this advertisement features an image of a naked woman, from behind, sitting on her heels so her full bottom is visible above her feet.

The Board noted that the outline of the nude body is strongly suggestive of a female but considered that there is no head and the focus is on the naked bottom.

The Board noted that the woman is sitting down on her heels and considered that this pose is not sexualised and that it is not exploitative to show naked skin in an advertisement for a skin related service.

The Board noted that the advertiser is called Body Bare Beautiful and considered that there is relevance between the advertiser's name and the image used in the advertisement given that

they provide services relating to the condition and appearance of skin. The Board noted that the image is black and white and considered that the overall impression is of an artistic representation of a woman's body rather than an image which is degrading.

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 it had recently upheld a similar complaint about nude female bottoms in case 0361/15 where the Board:

"...noted that the naked women and the text "We prefer to go naked – like over 100 of our products" did have relevance to the advertiser's proposition that it does not use unnecessary packaging on its products. The Board considered that although the models were naked, the image was not sexually suggestive and the placement of a model's hand on the bottom of another model was considered as an indication of affection, not a sexualised pose..."

"...The Board considered that the level of nakedness in the current advertisement exceeded that shown in both cases mentioned above [0043/11 and 0158/15]. The full body images and the fact that there are four women rather than an individual meant that the overall impact was increased and was confronting."

The Board noted in the current advertisement that there is only one bottom and considered that nudity of itself does not amount to a sexualised image. The Board noted the bottom is resting on the woman's feet and considered that the pose is not sexualised or inappropriate. The Board noted that the shading between the feet and the bottom means that no genitals are visible and considered that the symmetry of the image is suggestive of a heavily photo-shopped image rather than a realistic depiction of a naked woman.

The Board acknowledged that some members of the community would prefer that this type of advertising not be displayed outdoors, particularly where children can view them but considered that unlike the image used in case 0361/15 the current advertisement depicts an artistic image which lessens the impact of the nudity and is relevant to the service being offered.

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

