



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0455/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Body Conquest</b>
<b>3</b>	<b>Product</b>	<b>Leisure &amp; Sport</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/11/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

Image of a woman lying on her side on the beach with her back to the camera. She is visible from her lower back to her mid calves and is wearing red thong bikini bottoms. The text above her reads, "Like to look and feel a bit CHEEKY this Summer?" followed by details of how you can contact [www.bodyconquest.com.au](http://www.bodyconquest.com.au).

### THE COMPLAINT

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

*I feel that the ad is bordering on a pornographic image with the way the g-string highlights the woman's genital area.*

*I don't think it is appropriate for a general publication that gets placed into our letterboxes. I find it a disgusting and very offensive image.*

### THE ADVERTISER'S RESPONSE

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

*The advertiser has advised the ASB that they do not wish to respond to this complaint.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted the complainant’s concerns that the advertisement is bordering on pornographic, is inappropriate for general publication and is offensive.

The Board noted that this advertisement features a woman lying on her side with her back to the camera. She is on a beach and is wearing a red thong style bikini bottom, and the accompanying text reads, “Like to look and feel a bit CHEEKY this Summer?”

The Board noted that most of the woman’s bottom is visible as she is wearing a thong, and that it forms the main part of the image. The Board considered that the woman’s attire was appropriate for the beach setting and that it was relevant to the message of the advertisement which is about body transformation.

The Board noted that whilst some members of the community, including the complainant, may find this image to be inappropriate, most members of the community would consider this image to be mild and inoffensive.

The Board considered that the advertisement does treat the audience with sensitivity and also considered the image was not sexually suggestive or overtly sexualised and did not bring the issue of sex before children.

The Board determined that the advertisement did not breach section 2.3 of the Code.

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

