



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0489/14</b>
<b>2</b>	<b>Advertiser</b>	<b>NECA Victoria</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/11/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

Full page advertisement in NECA Magazine. Image of the back of a female from skirt down to her shoes holding a magnifying glass with focus on our brand of circuit breakers “Chint”. Full range of circuit breakers in the background which occupies 1/3 of the page. The wording “Size does matter”. Followed by the wording “So why not choose the worlds largest circuit breaker manufacturer?”. The ad was placed on page 2 of the NECA Magazine.

## THE COMPLAINT

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

*Over the top of the Circuit Breaker picture stands a lady of which is mostly legs, with the wording written in lipstick stating SIZE DOES MATTER, I find this most offensive and not acceptable at all.*

## THE ADVERTISER’S RESPONSE

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

*Section 2 – AANA Code of Ethics*

*In response to Section 2.1 Discrimination or vilification and 2.4 Sex/sexuality/nudity S/S/N – general and the complaint issued please see below.*

*Target Market: The Electrical industry is 99% male dominated and are our target market for this advertisement. We selected NECA Magazine to advertise to our target market as it is a magazine distributed to the Electrical Industry and therefore our target market.*

*Process: The content of the advertisement was chosen after much consideration and research before the final appropriate content was decided. Our aim was to be informative of our products in a humorous way to capture the attention of our target market. Chint is the worlds largest circuit breaker manufacturer and that is the message we are trying to get to our audience. The widely used wording “size does matter” was foremost used to refer to the size of our brand Chint thus reinforcing that Chint is the worlds largest circuit breaker manufacturer. We do not believe that the female representation used in the advertisement is degrading women as she is in a position of controlling her decisions and not being submissive in any way.*

*The advertisement was designed internally by a female staff member and was approved by our whole team. When the advertisement was finalised internally we took it to market to gain some feedback from some of our key customers, both men and women. The advertisement was received with nothing but positive feedback and praise for the clever advertising and appeal.*

*The National Electrical and Communication Association printed the advertisement in their Victorian Chapter Members Magazine and holds discretion on any content that is placed into the magazine. Both the Communications Coordinator and Executive Director felt there was no issue with the content of the ad.*

*We have also placed this ad in September/October editions of other publications and have only received positive responses from the community at large.*

*Examples: Attached are some examples in the media where we believe sex is being used to sell inappropriately and highlights that our add is nowhere as explicit or proactive.*

*We trust the ASB will decide that our advertisement does meet their standards.*

## **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 an image and text that is offensive and inappropriate.

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 that this print advertisement features a collection of circuit breakers and in

front of those stands a woman, visible from behind and she is viewed from the bottom of her dress or skirt down to her shoes. The text “size does matter” is written in lipstick. Contact details for Lumbalite are included at the bottom of the advertisement.

The Board noted that the advertisement appeared in the National Electrical and Communication Association (NECA) magazine which is distributed to the Electrical Industry.

The Board noted the advertiser’s response that the electrical industry is 99% male dominated and that they are the target audience for the magazine and advertisement.

The Board noted the use of a female model to sell a product predominantly targeted to men is not uncommon and that the inclusion of the image of the woman in combination with the writing in lipstick does add an element of sex appeal to an unrelated product ie: electrical circuit breakers.

The Board noted that only the lower portion of the woman’s body is visible and that she is completely covered and not positioned in a way that was considered vilifying or discriminating. The Board noted that it is not unreasonable for an advertiser to attempt to draw the attention of the audience to their product with the use of attractive models and in this case considered that the image did not amount to a depiction that discriminates against or vilifies a section of the community on account of gender and did not breach Section 2.1 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 reference to “size does matter” is a reference commonly associated with the size of a man’s penis and that the use of the phrase in this advertisement was a humorous link to the size of the circuit breakers.

The Board noted that the words are written in lipstick and in connection with the image of the woman’s legs, the overall depiction was mildly sexualised. The Board noted that the likely audience to be viewing the magazine was men over the age of eighteen and that the type of magazine would attract the attention of a limited audience and would not appeal to children.

The Board considered that the advertisement did not depict any inappropriate nudity or sexual references and did not amount to a depiction that was inappropriate for the relevant audience.

Based on the above, the Board determined that the advertisement 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.

