



Case Report

1	Case Number	0495/11
2	Advertiser	Totally Natural Products
3	Product	Health Products
4	Type of Advertisement / media	Poster
5	Date of Determination	18/01/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

A window advertisement promoting sports protein powder. The advertisement includes images of the product, as well as an image of a male body builder using arm resistance to show his muscles and a female in red lingerie with her thumb hooked in her underwear pulling the string side down.

THE COMPLAINT

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

The photo of the woman depicts her about to remove her underwear which is minimal already. She is wearing a bikini and what appears to be a G string.

The reason that I am offended is not only because a woman stripping has nothing to do with supplements and I was disgusted by the nature and the inferences that the store is trying to make consumers draw from the picture but I also found the advertisement extremely offensive as it is in the middle of the suburbs directly in between the primary school and the high school. Students would be required to walk past the advertisement several times a day and I think it is highly inappropriate that young children should be subject to such nude, sexual and inappropriate advertising.

According to Google street view this was not the advertisement always posted on the store window. The previous advertisement shows exercise type images rather than a blatantly

sexual image. I find the sexual nature of this advertisement highly offensive and would like to see it removed immediately.

THE ADVERTISER'S RESPONSE

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

I would like to express regret that this sign has been found offensive by an individual. I can assure you this was not the intention of this sign.

This particular sign was installed in March 2011, which is approximately eight months before the complaint was received. Prior to receiving this complaint, no other complaint had been received by us. I understand the owner of the retail outlet, which displays the sign (Muscle Mania), has not had any other complaints either. It is worth noting the owner of Muscle Mania works full time in his business.

I would like to submit the sign in question which measures 1.93 metres x 1.22 metres, does not contravene the AANA Advertising Code of Ethics.

According to the complainant the image of the woman depicted in the sign is about to remove her underwear. Given the static nature of the image, the action of removing underwear is speculative at best. The complainant purports the woman is wearing a G String. This is not the case. I submit the type of image used in the sign is in keeping with general community values today. The image of the lady in the sign is not dissimilar to images seen on billboards or bus shelters promoting lingerie. Such images are also readily accessed on the internet. It is also common to see women sunbaking on beaches with more revealing and / or less clothing on than the image used in the sign.

Whilst not coming out and saying as much, it seems the complainant is complaining that a female image is used to promote a male oriented business. Despite the fact that retail outlets like Muscle Mania also sell supplements to women, I submit that the female form is regularly used to promote male oriented products. Such products include sporting events, motor bikes, hardware and tools, even fast foods like the Chiko Roll.

Muscle Mania is on the corner of Sydenham Road and Centennial Street, Marrickville. Sydenham Road is one of the main roads which goes through Marrickville. It is a very busy thoroughfare. As such, given that only one complaint has been received suggests the sign in question is not found to be offensive by the broader community.

With respect to the proximity of Muscle Mania to the schools, the shop is approximately two to three hundred metres away from the primary school. Being on a corner, the shop faces a row of houses on one side and the secondary high school on the other. However, the sign in question does not face the school, but the row of houses.

I hope the Board looks favourably on our response to the complaint, as I do not see any real justification for its removal.

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 inappropriate image of women stripping or about to remove her underwear, that the image of the woman is irrelevant to the product and that the image is inappropriate for children to view.

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

The Board considered section 2.2 of the Code which provides ‘Advertising or marketing communications shall not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.’

The Board noted that the poster is for body building supplements and features an image of a man in a body building pose and a woman in lingerie pulling at her underwear bottoms. The Board noted that the woman is not depicted as a body builder, in a body building pose or in any manner relevant to the advertised product - rather she is depicted in very brief underwear which she appears to be pulling off. The Board considered that the image of the woman was gratuitous and sexualised and was therefore exploitative. The Board also considered that the image of the woman was demeaning as she is depicted removing her bikini and is depicted as a sexual object opposite an apparently very strong and aggressively positioned man. In the Board’s view the image of the woman in this advertisement did employ sexual appeal in a manner which is exploitative and degrading of women and therefore breached 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 advertisement features an image of a woman in lingerie and that she is pulling at her underwear in a manner that is suggestive of her pulling the underwear down.

The Board considered that the image of the woman was sexually suggestive and noted that the advertisement appears as a poster in a shop window. The Board considered that the relevant advertisement for the advertisement was a broad audience. The Board considered that most members of the community would find the advertisement sexually suggestive and the Board determined that the advertisement did not treat sexuality with sensitivity to the likely broad audience. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that it therefore breached Section 2.4 of the Code.

Finding that the advertisement breached section 2.2 and section 2.4 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

Thank you for your email and notifying me of the board's decision.

After digesting the case report and discussing the Advertising Standards Bureau's (ASB) decision with the owner of Muscle Mania (the retail outlet where the sign is displayed), we will remove the sign in question and replace it with artwork which complies with the code. We will take added care to ensure the new signage is in keeping with the ASB requirements and we are happy to send the final artwork to the ASB for approval if required.

We have begun working on this and will have the current artwork replaced as soon as possible.