



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0550/16</b>
<b>2</b>	<b>Advertiser</b>	<b>NQ Hunting and Fishing Supplies</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features an image of a woman in an upright standing position, facing away from the camera holding a shotgun across the back of her legs, with five rounds of ammunition.

The model is dressed in black swimsuit bottoms and a camouflage coloured crop top. The swimsuit bottoms cover three quarters of her buttocks, and the camouflage crop top covers from her waist to underneath her armpits. The model has long hair that reaches her waist, and covers her back.

The photo is taken from her calves to her shoulders.

The advertisement contains the following text:

- Townsville's Hunting Store
- Guns & Ammo
- NQ Hunting and Fishing Supplies
- [www.nqhfs.com.au](http://www.nqhfs.com.au)
- 0488 250 980
- 3/40 Anne Street, Aitkenvale QLD 4814

The location of the advertisement is on the back of an NQHFS vehicle, located in a private car park on freehold land, situated on the corner of Anne and Casey/ Wotton Streets, Aitkenvale, QLD 4814.

## **THE COMPLAINT**

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

*The way the woman is dressed and positioned in a provocative way. Only the sexual parts of her body are shown. Her body is being used as a sexy prop to sell a product. The product being sold in no way relates to the woman's attire or positioning.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for your email regarding advertising on an NQ Hunting and Fishing Supplies (NQHFS) vehicle. Please see below for our reply.*

*Claims made by an anonymous person that allegedly contravene:*

*2.2 Objectification, Exploitative and degrading (women)  
2.4 Sex/ sexuality/ nudity (general)*

*1. "The way the woman is dressed and positioned in a provocative way"*

*The model is dressed in attire that is everyday beach or swim wear, and is standing in an upright position. No sexual act is being suggested by her clothing or positioning.*

*2. "Only the sexual parts of her body are shown"*

*The advertisement does not show the models vagina or breasts, nor does it seek to focus on these areas. No sexual part of the models body is shown.*

*3. "Her body is being used as a sexy prop to sell a product"*

*The model is advertising a variety of products our business sells in one combined image. This has been done in a professional and respectful manner, and is widely accepted in the retail industry.*

*4. "The product being sold in no way relates to the woman's attire or positioning"*

*There are a number of products being advertised in this single image – firearms, ammunition, camouflage clothing and swimsuits. All of these products are currently available from or through our retail store. The models attire is directly relevant to the products being advertised and the positioning of these products does not exploit or degrade women.*

*c) Response to other points in section 2 of the Advertiser Code of Ethics:*

*2.1 Discrimination or vilification  
2.3 Violence*

2.5 Language

2.6 Health and safety

*This advertisement does not contravene any of the above points in any manner.*

*Our small family business has been trading from the same premises on the corner of Anne and Casey Streets, Aitkenvale (Townsville, QLD) for the last four years. There are five other businesses in this group of shops (including a post office), and it is a very busy location with a lot of vehicle and foot traffic.*

*During this time, the image below has also been used to advertise our business in numerous published magazines, online social media pages and printed onto stickers – advertising NQHFS nationwide to a diverse range of audiences.*

*For the past 4 years, despite this advertisement being regularly viewed by the general public at the store, while driving, in magazines, on social media and on stickers, we have never received a single complaint. This supports the statement that this advertisement has been deemed acceptable by community standards, and does not contravene section 2 of the Advertiser Code of Ethics.*

*We request that this complaint be dismissed.*

## **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 was overly sexual and objectified the woman in the advertisement.

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 this transport advertisement depicts a woman standing, facing away from the camera holding a shotgun across the back of her legs. The woman is wearing a bikini bottom and a camouflage coloured crop top.

The Board noted that in order to be in breach of 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 the Practice Note for Section 2.2 which provides the following definitions:

- “Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;

- Degrading means lowering in character or quality a person or group of persons.”

The Board noted the advertisement showed the woman wearing a bikini bottom and a camouflage crop top. The Board noted the complainant’s concerns that the woman’s attire does not relate to the product being sold. The Board considered that advertisers are free to use whomever they wish in advertisements, including attractive women. The Board noted that in this instance that the products being worn by the woman in the advertisement were similar to those sold by the advertiser and considered that it is reasonable to expect an advertiser to feature the products they sell in an advertisement.

The Board considered the woman in the advertisement was shown as confident and was not posed in a demeaning manner. The Board considered that the woman’s pose was not overly sexualised and the focus of the advertisement was the gun being promoted.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

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 the woman in the advertisement was holding products being advertised and considered the woman was posed in a way to promote these products. The Board considered the pose of the woman was not gratuitously sexualised and that she was appropriately covered by her attire.

The Board noted the advertisement was on the back of a company vehicle and the relevant audience for the advertisement would be broad and would include children. The Board considered that the advertisement was only mildly sexualised and was not inappropriate for a broad audience that would include children.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board considered whether the depiction of the woman with the gun was consistent with prevailing community standards on health and safety. The Board noted that the woman appeared to be on a gun range and considered that the clothing she was wearing would probably not be considered appropriate in most gun ranges. The Board also considered that the way the woman was holding the gun behind her back is not consistent with the recommended safe handling of weapons. However the Board considered that the advertisement was not promoting the use of shotguns, rather displaying the products being sold by the advertiser.

The Board considered the depiction of the woman in the advertisement was consistent with

fashion advertising and that it was unlikely to be copied by members of the community or seen to endorse the unsafe handling of guns.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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