



Case Report

1	Case Number	0570/16
2	Advertiser	Bally Cafe and Splash
3	Product	Automotive
4	Type of Advertisement / media	Mail
5	Date of Determination	18/01/2017
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 flyer promoting a bikini car wash features an image of a woman in a bikini with her back to the camera and her hands resting on the bonnet of a car. The text reads, "New Management Open Day Bikini Car Wash". The reverse of the flyer includes information on the location, date and time of the bikini car wash (Balgownie Road, Balgownie on 17 Dec 2016 between 10am and 3pm).

THE COMPLAINT

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

Objectification of females.

THE ADVERTISER'S RESPONSE

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

As discussed on the phone I would like to say that our event and flyer for advertising has been approved by the landlord, our council and also the police.

I do not believe that the picture is sexist or discriminative against women in anyway. The flyer is attached to this email which is of a lady in a bikini washing a car. We see ladies in bikinis at the beach or in the shopping centres so why does no one approach them or make a complaint about them?

The ladies who will be there washing the cars for us are from a promotional company where they do try to help to raise money for charity.

We have males and females at our car wash that work every day and everyone is treated equally.

This event is to promote our business and to let the public know that it is under new management and also some of the proceedings of this event will be going towards charity to the Prostate and Breast Cancer Foundation.

If you have any more questions please contact me via email

Thank you again for your time in reviewing someone's silly complaint which will probably result in wasting your time also.

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 objectifying image of a woman in a bikini promoting a car wash.

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 advertisement is promoting a bikini car wash and features an image of a woman in a bikini washing a car.

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 advertised service is a bikini car wash and considered that while some members of the community would find the nature of this type of car wash to be offensive and disrespectful in the Board's view an image of a woman in a bikini washing a car is relevant to the advertised service. The Board noted that the woman in the advertisement is wearing a bikini and considered that the manner in which she is depicted is not exploitative in the context of the advertised service, and is not degrading either to this woman or to women in general.

Consistent with a previous determination about a Bikini Car Wash service in case 0437/14, 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 that the woman in the advertisement is wearing a bikini and considered that her private areas are covered and the level of nudity is not inappropriate in the context of a bikini car wash promotion.

The Board noted the pose of the woman leaning over a car and considered that she is clearly in the process of washing the car and in the Board's view her pose is not strongly sexualised or intended to be suggestive of sexual activity.

The Board noted that the advertisement is on a flyer distributed to local residents in their mail boxes and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

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.