



CASE REPORT

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| 1. Complaint reference number | 10/09 |
| 2. Advertiser | Jimmy Tools |
| 3. Product | Hardware/ Machinery |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement from Jimmy Tools for its range of tools includes images of tools and accessories with prices beside each of the items shown. The words 'Jimmy Tools' and dates 'Nov-Dec 08' feature at the top of each double page of the advertisement and the business' website address appears at the bottom of each double page. On one double page of the catalogue, a photograph of a woman is included on the left hand side of the page. The woman is wearing a bikini and high heels and holding a sign depicting a spanner held by three hands and with the words "mungrool united hands of Jimmy Industrial". A thought bubble appears over her head stating "I trust Jimmy". A second photograph of a woman is included on the right hand side. She is wearing a brief singlet top and denim cut-off shorts and holding a power tool in one hand while her other hand is hooked through one of the belt loops on her shorts, pulling the top of the shorts downwards. Beneath the second woman is text 'How tight are ya nuts?'

THE COMPLAINT

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

Please find attached 2 pages from the "Jimmy Tools" brochure that was inserted in my local Cobden Times paper. These 2 pages I find offensive, the rest of the pages have photos and prices of their tools only. I find the portrayal of women in a sexual pose inappropriate, demeaning, alienating to 50% of their client base, (women also buy tools) not called for and not relevant to the products they are listing in their brochure. Inclusive of the reference to "How tight are your nuts" follows the sexual theme I do not appreciate and again find offensive. I also do not like finding this brochure, unsolicited, in my local paper, where children also can be exposed to a portrayal of women, my husband and I find offensive and uncalled for. There are other successful, more appropriate and eye catching ways to catch customer's attention and sell your product. I have contacted the local distributor at Cobden tools and trailers, they expressed their unhappiness with Jimmy Tools and suggested that they had expressed similar views to Jimmy Tools beforehand but to no avail. I have also contacted Jimmy Tools reception and put forward my aforementioned complaint and express views.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

I would like to respond to the complaint to our recent promotional catalogue. Specifically section 2.3:

- 1. The women were paid professionals that undertake this type of modelling on a regular basis.*

They felt very comfortable with the shots.

2. The women were not nude at any stage at all for any of the shots.

3. The use of attractive women to promote tools is a very common practice in the tooling industry.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered the application of Sections 2.3 and 2.5 of the Code, relating to sex, sexuality and nudity, and language.

In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that the advertisement features no nudity although it depicts two women, one in a bikini and high heels and the other in brief shorts and a tight fitting singlet top with bare midriff. The Board considered that the woman dressed in shorts and singlet top was presented in a sexualised pose, pulling down on a belt loop on her shorts to reveal what appears to be a glimpse of her underwear and with her head tilted to the side and lips parted.

The Board noted that it had previously considered advertisements featuring scantily clad women and that the use of such images has at times been a divisive issue for the community. The Board considered the sexualised nature of the portrayal in this particular advertisement took it beyond simply a portrayal of women in brief attire. The Board considered that many reasonable people would find the portrayal to be unacceptable and without justification in the context of the products advertised.

The Board also considered that, when coupled with the presentation of the women as described above, the expression "How tight are ya nuts" added to the sexualised nature of the advertising on those pages and gave it further impact.

In regard to Section 2.5 of the Code, the Board noted that the play on words "How tight are ya nuts" was crude and could be offensive to some people. However, the Board noted that, of itself, the use of the word "nuts" was not offensive and was in common usage in the Australian vernacular. The Board concluded that the advertisement did not use "strong or obscene language" and that the play on words was appropriate in the circumstances of a tools catalogue and was not in breach of Section 2.5 of the Code.

The Board determined that the combination of the overtly sexualised pose of the woman and its irrelevance to the products advertised, together with the crude play on words featured on the same page, pushed the advertisement over the line of what was acceptable under Section 2.3 of the Code.

The Board determined the advertisement's treatment of sexuality was not sensitive to the relevant audience and is in breach of Section 2.3 of the Code. The Board upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

As of todays date I will alter the future images and slogans used to adhere to your ruling. Hopefully, no more complaints in the future. One complaint in 200,000 issues was a pretty good ratio.