



CASE REPORT

1. Complaint reference number	125/07
2. Advertiser	KMart Australia Ltd (Cheeky)
3. Product	Retail
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 8 May 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a woman's butt wearing briefs and shaking to the music. A female voice over announces "Get into KMart for a cheeky 20% off all underwear, socks, hosiery and sleepwear". The woman is bumped out of the shot by a male butt also wearing briefs and shaking to the music. The voice over continues "So move your butt for savings on underwear for the whole family". The man is then also bumped off the screen by a woman wearing white briefs with the KMart logo.

THE COMPLAINT

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

I found this ad offensive because of the fact that the entire ad is bottoms dressed only in brief undies and waving at the camera.

Shows extremely close up of men and particularly womens backsides dancing at the tv, with detail between their legs, the focus is on the gap between the womens legs very much so. Sexually offensive, provocative, exploiting particularly women..as it spends most of the ad close up on the gap in the womens legs. even to the point at the end of having written KMart on the womens backside.

THE ADVERTISER'S RESPONSE

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

The 'Cheeky' advertisement was prepared as a light and fun way of communicating to consumers the underwear sale. The male and female models featured in the advertisement are wearing their underwear, however as the Advertising Standards Board has found in numerous previous determinations 'images of people wearing underwear are a not uncommon method of advertising underwear'.

The main drawcard of the advertisement, the 20% price reduction on underwear, is featured as "20% off" on the rear of the underpants of the two models, who dance throughout the advertisement. The complainant states that the advertisement features "...detail between their legs, the focus is on the gap between the womens (sic) legs very much so" and further that the advertisement "...spends most of the ad close up on the gap in the womens (sic) legs."

We disagree that the focus of this advertisement is as the complainant describes. Featuring the textual detail of the offer in the lower half of screen is a consistent practice for Kmart and others when advertising retail offers on television.

The advertisement features both a male and a female adult in its portrayal and at no time is any one person or group subjected to vilification, ridicule or any other negative experience.

It is Kmart's position that the 'Cheeky' advertisement is sensitive to prevailing community standards regarding the depiction of the human form. We note that the models are not nude, but are wearing underwear, and that further the underwear is clearly of the full brief style. Further, the models are dancing side by side throughout the advertisement, there is no sexual innuendo or overt sexual theme contained in the advertisement and we disagree with the complainant's claim that the advertisement is "sexually offensive and provocative". The airing of 'Cheeky' was at all times consistent with its classification.

THE DETERMINATION

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

The Board viewed this advertisement noting the complainant's concern about the close ups of bottoms and about the advertisement's focus on the genital region. The Board considered that the advertisement was playful and that there was no sexual nature to the advertisement. The Board considered that the advertisement did not focus on genital areas and that the images of the various bottoms was inoffensive. The Board determined that the images in the advertisement were playful and that there was no inappropriate or offensive nudity or sexual theme.

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