



CASE REPORT

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| 1. Complaint reference number | 126/09 |
| 2. Advertiser | Fremantle Boat Show |
| 3. Product | Exhibition |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 8 April 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The promotional material for the Fremantle Boat Show, feature one image of a single male with his trousers and boxers pulled down around his ankles with the words “What kind of deals can you expect at the Boat Show?” are to the left of the image. The man’s lower thighs and knees are visible.

The second image shows four of the same picture with the same wording, to the left hand side of the images.

THE COMPLAINT

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

I am confused and slightly offended by the advertisement for the Fremantle Boat Show in page 21 of Saturday's West Australian newspaper, dated 7th March, 2009. I fail to understand why a picture of a young boy (for some reason quadrupled) with his pants and underwear down at his ankles with only a long shirt to protect has dignity in any way represents the boat show. Are the organisers promoting that anyone that enters will have their shorts 'dakked', or are they implying that pedophiles are welcome as all the young boys will be walking around without shorts? I know this is somehow supposed to be a clever and funny ad, but, I'm sorry, I just don't get the humour and I don't think the organisers have displayed their intent appropriately or in a manner that the average Australian would understand.

THE ADVERTISER’S RESPONSE

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

Please accept the following in response to your email of 20 March 2009.

A. The advertisement to which you refer was produced in two formats: one at 10 cm x 7 columns and the other at 10 cm x 3 columns. We have attached copies of both advertisements (our references EXB16 and EXB21 respectively).

B. The advertisement that is the subject of this complaint appeared in newspaper format and as a consequence, there is no script other than the copy that appears in the advertisement itself.

C. Our comments in relation to the advertisement are as follows:

In placing the advertisements for the Fremantle Boat Show, there was never an intention by us to offend anybody. If this has occurred we apologise. The person depicted in the advertisement is an adult and not a young boy as contended by your complainant. We believe that a very long bow is being drawn when it is suggested that the advertisement in any way promotes, condones or

supports paedophiles or their behaviour. We are also amazed to believe that anyone can make a connection between the attending the boat show and having one's pants pulled down.

The expression 'dropping your pants' is designed to create an expectation amongst readers of the existence of bargains at the boat show. We believe this to be a common expression and one with which most people would be familiar. In fact it is an expression that is of a similar ilk to 'dakked' as used in your complainant's letter. The advertisement itself is a visual interpretation of that expression and we do not believe would be taken literally or out of context.

D. The advertisement was designed and produced by our creative agency: Cooch Creative. The relevant contacts are: Address: Unit 5, 82 Reserve Street, Wembley WA 6014 Telephone: (08) 9383-7350

Art Director; Spencer Battista (spencer@cooch.com.au) Copywriter: Ron Samuel (ron@cooch.com.au) The advertisement was placed by our media buying agency: Mitchell & Partners WA. The relevant contact details are: Address: 81 Stirling Highway, Nedlands WA 6009 Telephone: (08) 9388-3000

General Manager: Alex Pekish (apekish@mitchells.com.au) Account Director: Martin Pearce (mpearce@mitchells.com.au)

The last placement of the advertisement is scheduled for Friday 27 March 2009. The Fremantle Boat Show is an annual event. This year only, as a consequence of the very depressed market for leisure craft, the event was positioned as an opportunity for potential boat buyers to receive a bargain. We do not anticipate adopting a similar strategy or creative execution in future years.

We trust this note addresses all of the requisite points. If further clarification or information is required, please do.

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 concern about the use of an image of a person with his pants pulled down.

The Board viewed the advertisement. The board considered that there was no suggestion that the image of the person is that of a boy. The board considered that the person depicted is a man.

The Board considered that the image of the man with pants down was unusual but it was not sexually suggestive and only depicted the man's legs. The Board considered that this advertisement was not inappropriate for the relevant audience, printed as it was in the West Australian Newspaper and treated nudity with sensitivity to the relevant audience. The Board determined that the advertisement did not breach section 2.3 of the Code.

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