



CASE REPORT

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| 1. Complaint reference number | 148/09 |
| 2. Advertiser | Guess -Busbrand P/L |
| 3. Product | Clothing |
| 4. Type of advertisement | Transport |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 22 April 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This transport billboard features two female models. The model on the left hand side is visible from slightly above the waist down. She is standing with her back to camera and is wearing a pair of black bikini pants and stiletto shoes. She is holding a black tote bag in her left hand.

The model on the right hand side is wearing similar black bikini bottoms with a black belt and stiletto shoes. She is also wearing a gold bikini top. She is kneeling on the ground looking directly forward, with her right hand placed on a similar black tote bag.

The word “GUESS” is centered to the right hand side of the picture of the two models.

THE COMPLAINT

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

This image is highly disturbing and offensive. It is denigrating to women. I have never seen such a debased highly sexualised and pornographic ad for something so innocuous as handbags - on such a widely accessible public platform as Sydney buses. I am horrified that children to are being exposed to this ad whilst travelling in cars and walking to school and just going about normal daily life.

This is porn. And anyone commuting or walking in Sydney is being subjected to this. It upsets me to the point of outrage that women are being used and manipulated to sell a product. The women look like mannequins or dolls, are near naked and are positioned in pornographic positions. It is not appropriate for this image to be displayed so flagrantly during daytime. There is no sense that the women have personalities or are healthy or are conveying a positive message. If I had a young girl in the car I would be devastated that she would be exposed to this sexism and debasement. If I had a young boy in the car I would be disturbed equally if not moreso. I want to bring up children away safely and responsibly and allow them the innocence of childhood and adolescence. This advert would make it impossible to shield young people and children from such negative portrayels of women and titillation designed more for perverts than handbag purchases. Its debased. My boyfriend also agrees and is shocked by this ad and we are liberal people.

However, I'm really incensed at the irresponsibility of this company selling sex in such a disgusting manner to increase their sales. The advertisers responsible have sunk so low. They should be limited to placing these ads at least in magazines. It is abusive to expose people to this imagery whilst going about their day to day business and it is child abuse to expose children to pornographic imagery. I believe the strongest action should be taken against this ad and I hope to get a response as I suspect I am not the only person who finds this poster upsetting and offensive. I strongly believe this is a form of abuse as I am not choosing to buy a magazine or watch TV and this image is being forced in my face when I'm driving. I repeat, I believe this is abuse and is abusive to children particularly. I expect a standards authority or regulatory organisation to

protect me, children and the public from images designed for porn mags.

THE ADVERTISER'S RESPONSE

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

The advertisement being reviewed is part of the GUESS Swimwear and Accessories Spring 2009 Campaign. Please find attached the artwork for your perusal.

The artwork was approved for advertising on the Sydney bus rears by outdoor media company, APN Outdoor prior to it being applied to the buses.

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 is highly sexualised, denigrating of women and inappropriate to be within view of the general public, including children. The Board considered the application of Section 2.1 of the Code, relating to discrimination and vilification on the basis of gender and Section 2.3, relating to sex, sexuality and nudity.

The Board noted the advertiser response that the advertisement featured as part of a swimwear and accessories campaign. The Board noted that the two women featured in the advertisement are dressed in clothing that appears to be swimwear and with handbags and high heel shoes. The Board noted that it is reasonable for an advertiser to depict its products being modelled in its advertising.

The Board noted that only the bottom half of one of the women can be seen in the advertisement, photographed from behind. The Board noted the other woman is depicted kneeling and leaning forward. The Board agreed that the poses of the models were sexualised, but noted they were not sexually explicit or overly sexually suggestive.

The Board considered whether the depiction of the women in the advertisement was sensitive to the relevant audience. The Board noted that the advertisement featured on buses and that the relevant audience was therefore very broad and could include children. Some Board members considered the portrayal of the women bordered on the edge of what was acceptable in a public setting. However, a majority of the Board considered that most members of the community would not be offended by the advertisement's depiction of the women modelling the advertiser's swimwear and accessories. The Board therefore determined there was no breach of Section 2.3 of the Code.

The Board also found that the depiction of the women modelling the advertiser's product was not discriminatory towards or vilifying of women generally and found no breach of Section 2.1 of the Code.

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