



CASE REPORT

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| 1. Complaint reference number | 199/09 |
| 2. Advertiser | Joyce Mayne |
| 3. Product | House goods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Thursday, 14 May 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Joyce Mayne for its four day sale opens with the sound of a whistle and then shows the silhouette of a woman dropping into a blue sky-like background. The voice over says “Joyce Mayne take it off for their store wide four day sale”. The days of the week appear on screen and then another whistle is heard and the silhouette drops in again with the words “Prices stripped” appearing on screen and the voice over says “We’re stripping...the prices that is”. The advertisement continues and shows the items on sale. The silhouette with the words “Prices stripped” appears again while the voice over tells people to hurry into the “...sexiest sale” because it ends on Monday. The advertisement ends with the silhouette on screen and details of the store and sale.

THE COMPLAINT

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

Sexual overtones and general denigration of females.

THE ADVERTISER’S RESPONSE

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

I refer to your correspondence dated 29th April, 2009, regarding the complaint received by your office relating to the Joyce Mayne Sunshine Coast Advertisement. For the sake off clarity, Joyce Mayne stores are operated by independent franchisees. The advertisement was produced on behalf of the Sunshine Coast franchisees.

The CAD number is WQ40CROA

We authorized the use of the advertisement and have considered the complaint under the provisions of Section 2 of the Advertiser Code of Ethics and do not consider that we have breached the Code. The advertisement has been broadcast in other markets in similar formats without complaint. We regret in this instance that a viewer has been offended by the content.

Neither Joyce Mayne Franchisor nor the individual Franchisees have received any previous complaints in relation to this advertisement.

- 4. The original advertisement was published under Joyce Mayne brand advertising by Generic Publications Pty Ltd. We produced our version locally.*

Generic Publications Pty Ltd is a wholly owned subsidiary of Harvey Norman Holdings Pty Ltd.

The advertisement was reviewed and authorized for broadcast under the provisions of the Joyce Mayne Advertising Compliance Program.

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 had sexual overtones and was denigrating towards females, and 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 the treatment of sex, sexuality and nudity.

The Board noted the advertisement used a silhouette image of a woman and a wolf whistle as it made reference to the advertiser stripping the prices on its products. The Board considered the use of the wolf whistle in conjunction with the silhouette image of the woman and reference to price "stripping" was in poor taste, but was not discriminatory or vilifying of women and with a still, silhouetted image was not inappropriately sexualised. The Board therefore found no breach of Section 2.1 or 2.3 of the Code.

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