



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 33/09   |
| 2. Advertiser                 | Moorilla P/L                                    |
| 3. Product                    | Alcohol   |
| 4. Type of advertisement      | Print   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 11 February 2009                     |
| 7. DETERMINATION              | Upheld – discontinued or modified               |

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement for Moorilla P/L wine products includes the image of a naked woman from head to abdomen. Her hands are covering her breasts. Words to the left of the image say "Come on line with Moorilla" and web contact details. A wine bottle appears on the right of the advertisement.

## **THE COMPLAINT**

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

*I wish to lodge a formal complaint against Moorilla Wines. This advertisement is featured (as at 15/12/08) on the Products website at [www.moorilla.com.au](http://www.moorilla.com.au). In addition the advertisement is being printed in The Daily Telegraph and possible other media.*

*I submit the advertisement breaches the Alcohol Beverages Advertising Code (ABAC). Section C of the Code states that alcohol advertisements "must not depict the consumption or presence of alcohol in beverages as a cause of or contributing to the achievement of ... sexual success." This advertisement printed in the Daily Telegraph shows a woman who is naked from the waist up and looks to be in the throws of orgasm, next to a bottle of Moorilla wine. The tag line beneath the image of the woman reads: "Come on line with Moorilla". This can be interpreted as having sexual connotations in reference to the woman orgasming.*

## **THE ADVERTISER'S RESPONSE**

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

*The issues relating to the appearance of the print advertisement have been extensively covered in the ABAC submission. In summary, this advertisement was a "one off" and will not be repeated in the mainstream media.*

*The advertisement is not part of any ongoing campaign and was limited to one appearance in the Daily Telegraph and one in the Brisbane Courier Mail. To the best of our knowledge the advertisement was placed in the general news section of both newspapers. There was no intention that the advertisement be placed in a part of the newspaper attractive to children nor was the advertisement intended or aimed at children. The model featured in the photograph was over 25 years of age. No affiliation or association with children can be inferred or implied and there is no contravention of Prevailing Community standards nor any implication that children are "sexual beings" and that their sexuality would be enhanced by the product.*

## **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 complainants' concerns about the sexual connotations of the image of the naked woman in the advertisement, and considered the application of Section 2.3 of the Code, relating to

sex, sexuality and nudity.

The Board considered the image of a woman who was naked, with her head tilted back and holding her breasts, was highly sexualised. The Board also noted the tagline "come on line with Moorilla" could be interpreted to have a sexual connotation.

The Board noted the placement of the advertisement in a general newspaper and considered the relevant audience in this context could be quite broad.

The Board considered that the coupling of the highly sexualised image of a naked woman with potentially sexual language in the tagline took the advertisement beyond what was acceptable for a general newspaper audience. The Board therefore determined that the advertisement's treatment of sexuality and nudity was not sensitive to the relevant audience in contravention of Section 2.3 and upheld the complaints.

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

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

*We wish to take the opportunity for an Advertiser's Statement to be included in the published report.*

*We confirm that the print advertisement has been discontinued. We will not require the decision to be reviewed.*