



## **CASE REPORT**

1. Complaint reference number	341/04
2. Advertiser	Bendon Ltd (Elle Macpherson Intimates - tie)
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 7 December 2004
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement is a print advertisement which features a female wearing Elle Macpherson underwear standing in front of a male dressed in a suit and tie. The female's head is cut out of the image and she is holding onto the male's tie with both hands.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*"The image has sexually overt tones. The schoolboy is emotionless and appears to be an unwilling participant in her advances."*

*"What is the product trying to be sold here? Dress in Elle MacPherson Intimates, and you too can seduce a school boy? This advertisement is very offensive, and in light of the recent case before the Magistrates' Court in Victoria involving a school teacher and a teenage youth, this ad is in very poor taste."*

## **THE ADVERTISER'S RESPONSE**

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

*"We do not accept the characterization of the advertisements though it is accepted that the 'film noir' genre in which the advertisements are shot leaves the conclusion to the viewer."*

*"... In the case of the 'Piano', the sequence portrays a young man, not a boy, playing the piano and a woman interacting with him, then the second scene the woman helping him with his coat. It is merely a view into a private world, allowing the viewers to draw their own conclusion."*

## **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 that there was no overt indication that the boy was a young boy and not of legal age. The viewers are unable to tell how old the female was. The Board also noted that there were no overt indications that the relationship between the characters was one of student/teacher and that this was open to interpretation.

The Board was of the view that in the context of prevailing community standards, the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of people (sex) and the portrayal of sex/sexuality/nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.