



## **CASE REPORT**

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| 1. Complaint reference number | 398/09   |
| 2. Advertiser                 | EBBX Transport   |
| 3. Product                    | Finance/investment   |
| 4. Type of advertisement      | Transport  |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 11 November 2009  |
| 7. DETERMINATION              | Upheld – discontinued or modified  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This transport advertisement depicts the images of three women's rear ends. The bottoms are covered by their underwear. Two women are standing side, one has her hand on her bottom, the other has her hands on her hips. The third woman is standing with her back to the camera and hands on the top of her legs. Only the women's torsos, arms and bottoms are included in the advertisement. The caption says: "Improve your bottom line." Then information about the advertiser BBX

## **THE COMPLAINT**

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

This ad shows 3 images of women's rear ends in skimpy underwear with in very large bold letters, "Improve your Bottom Line." I am upset that the State Transit sent a bus with these images and connotations to pick up Primary children, in particular years K-2. A group of young boys lining up to get on the bus were making remarks, like; "Improve your Bottom Line"... "Yeah, that means, you need a nice butt"... "Sexy Bottom"...As a parent, I would expect more awareness and consideration for children learning how to read and appreciate themselves and others by the State Transit. I have a photo if you would like the reference. Thank you.

I think it is completely inappropriate to use women's bodies to promote a financial product. It places women firmly in the position as "objects" used simply to grab attention.

## **THE ADVERTISER'S RESPONSE**

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

At no point is there even an element of thought in suggesting that this is exploiting female sexuality.

There are far more disturbing images out in the marketplace other than this, the continuance of billboards such as 'Men Do it Longer' plastered all over Sydney on bus routes etc., are still allowed to be displayed and I consider them far worse than this. Everyone has an opinion on what's ethically right and wrong.

As such I see very little wrong with this type of ad, there is no nudity, no sexual innuendo, it is no different to a Target underwear ad or a swimwear ad that appear on buses also.

The decision to use the artwork was ours, no agency placement was involved.

## **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 that the image of the three women in relation to a financial product was inappropriate as it was objectifying and demeaning towards women. Another complainant was concerned that the State Transit had permitted such advertising to appear on a bus which was used as a children's school bus to pick up and drop off children at the athletics carnival.

The Board noted the advertiser's response.

The Board viewed the advertisement and noted that the product/service which was the subject of the advertisement was for financial services.

The Board considered whether the advertisement was in breach of section 2.1 and section 2.3 of the Code. Section 2.1 of the Code states:

"Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

The Board considered that the images of the women in underwear were unrelated to the product and considered that the depiction of what is presumably and intended to be seen as women's bottoms, did present women in a manner that objectified them.

The Board noted the humorous intention of the advertiser through the use of the term "improve your bottom line" in conjunction with the images of the women's bottoms and considered that such a play on words could have been effective without using objectifying images of women. The Board considered that this depiction of the women presented women in a manner that amounted to discrimination and that the advertisement did depict material that discriminated against people on account of their gender and therefore breached section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

"Advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate the relevant program time zone".

The Board noted that the women were depicted in underwear only but considered that much of the community would consider that the images were not sexualised in their pose or in the detail of the bottoms. The Board considered that the use of the phrase 'improve your bottom line' did not give an overtly sexual connotation to the advertisement - although it would likely be seen as a suggestion to have a nice looking bottom. The Board considered that the advertisement was not sexualised or sexually suggestive and that it did not contain nudity. The Board noted that the advertisement is on transport and that it was likely to be seen by a broad audience. Having considered that there was not nudity in the advertisement and that it was not overtly sexualised, the Board determined that the advertisement did not breach section 2.3 of the Code.

Having found that the advertisement breached section 2.1 of the Code the Board upheld complaints.

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

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

*We are in receipt of your email re; complaint 398/09.*

*Please note that we have acted in accordance with the ASB in relation to section 2.3 and are now in the process of concluding our arrangement with that series of ads to comply with your ruling.*

*Ads will be removed within 45 days of receipt of our intention to comply.*