



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 417/08 |
| 2. Advertiser | EMI Music Australia |
| 3. Product | House goods/Services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1 Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 12 November 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

M-Rated - This television advertisement for a 3 CD album called "Maximum bass extreme" sold by EMI Music Australia opens with two highly detailed red sports cars in a steamy warehouse. The cars stop and a woman in a leather jacket and bikini is shown getting out of one car. She walks seductively around the cars and takes off her jacket, flings it away, dances around the the car wearing only the bikini, and finally leans on the side of the other car. The voice over tells viewers the CD is out now as well as describing the features of the music on the CDs. At the end of the advertisement viewers see the rear of one of the cars as it drives away and the cover of the CD is shown.

PG-rated - This television advertisement for a 3 CD album called "Maximum bass extreme" sold by EMI Music Australia opens with two highly detailed red sports cars in a steamy warehouse. The cars stop and a woman in a leather jacket and bikini is shown getting out of one car. She dances around the cars seductively and finally leans on the side of the other car. The voice over tells viewers the CD is out now as well as describing the features of the music on the CDs. At the end of the advertisement viewers see the rear of one of the cars as it drives away and the cover of the CD is shown.

THE COMPLAINT

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

I found this advertisement offensive and inappropriate, as the woman portrayed is overtly sexualised, bordering on pornographic. The ad is clearly aimed at men, and I object to the exploitation of women and women's sexuality in order to sell a c.d. I also object to the time slot, as children may have been watching and it conveys a very negative message.

Australian Idol attracts an audience of teenagers and families with children. Having an ad with a woman in a bikini that barely covers her body, shaking her bum and breasts at the camera, and moving in very suggestive ways is inappropriate for such an audience.

The advertiser has not treated the sexual element of this advertisement with any sensitivity to the relevant audience and time zone as required in section 2.3 of the AANA Code of Ethics.

This female has NOTHING to do with the product being advertised. She is inappropriately dressed and purely there to attract views from males. It's sexist and inappropriate for television. The advertiser has not treated the sexual overtones of this advertisement with any sensitivity to the audience viewing it. It is poor to see the advertising standards of this company slipping so low as to use women as objects in order to see a completely unrelated product.

THE ADVERTISER'S RESPONSE

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

I am really sorry to hear that we have upset viewers with these advertisements; this of course was not our intention.

Some of the complaints mention that it is just blatant objectifying of the female in the ad and that she has nothing to do with the cars at all. However, the model (Krystal Forscutt) is a very well known glamour model who features heavily as a spokesperson for a number of auto shows, car magazines and websites and as we see it was the perfect candidate to star in the TVCs.

Please find attached a copy of the advertisement. As we were sensitive to the somewhat sexual overtones of the advertisement we made a very family friendly 'safe' PG version, along with a second version which has an "M" rating. Each ad was placed in appropriate programming timeslots (ie – the "M" version was only used in later evening programming), and never within Children's programming.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered the application of Sections 2.1 and 2.3 of the Code, relating to discrimination and vilification on the basis of gender and sex, sexuality and nudity.

The Board viewed the two versions of the advertisement and considered that in both versions, the female is not represented as vulnerable or abused, but as confident and in control of the situation. The Board considered the depiction was not discriminatory or vilifying on the basis of gender and not in breach of Section 2.1.

The Board noted that the PG and M rated versions of the advertisement differed. In both the PG and M rated version of the advertisement, the model is depicted wearing a bikini style top or bra and a jacket, and dancing around and near some cars. In the M version of the advertisement the woman removes her jacket and there are images of the woman's breasts (albeit she is still wearing her bikini style top)

The Board noted that the PG version of the advertisement can only be shown in programming which is recommended for parental guidance and is not directed at young children. The Board noted that the depiction of the woman dancing around cars alludes to the style of music video clips and considered it was consistent with the type of images used in such clips. The Board determined that the advertisement did treat sexuality and nudity with sensitivity to the relevant audience.

The Board noted that the version given an "M" rating shows more of the woman's body and breasts and has slightly more sexualised dancing. The Board noted that this advertisement can only be shown in an M timezone, which is intended for a mature audience. The Board noted that the woman in the advertisement is depicted wearing a scanty bra and jacket but that there is no nudity in either advertisement. The Board considered that the advertisement did treat sexuality and nudity with sensitivity to the relevant audience.

Overall the Board considered the treatment of sexuality and nudity in both versions of the advertisement was not completely inappropriate for the relevant audience based on the applicable time zones in which they appeared. The Board therefore found no breach of Section 2.3.

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