



CASE REPORT

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| 1. Complaint reference number | 419/06 |
| 2. Advertiser | EMI Music Australia Maximum Bass 3) |
| 3. Product | Retail |
| 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 | Tuesday, 14 November 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This series of two advertisements feature two women, wearing shiny black latex outfits with low cut bodices and g-string briefs, exiting a car and dancing to the music as the announcer relates some of the artists featured on the CD.

THE COMPLAINT

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

The women were very scantily dressed in a sexually provocative manner...some sort of gratuitous lesbianism was also apparent.

This ad apart from being in poor taste and explicit is demeaning to women.

It projects the wrong image of women to young people.

THE ADVERTISER'S RESPONSE

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

We did not seek to breach the Code on the grounds of discriminating on the basis of sex nor did we attempt to be insensitive to sex, sexuality and nudity. We do not believe that in this instance we are in breach of the AANA Advertiser Code of Ethics.

Nonetheless, I acknowledge that in the pursuit of creativity what appeals to some people may inadvertently offend others and the complaint has been taken on board.

We appreciate your feedback in relation to this matter and will use it for future reference.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered the complainant’s comments that the advertisement was demeaning to women.

The Board noted the costumes worn by the women in the advertisement and noted that the costumes, in combination with the movements of the women, afforded a strong sexual tone to the advertisement.

The Board considered whether the advertisement contravened section 2.1 of the Code, dealing with vilification and discrimination. While the Board agreed that the advertisement was sexually provocative, the Board felt that the advertisement did not discriminate against women.

The Board then considered whether the advertisement contravened section 2.3 of the Code, dealing with sex, sexuality and nudity. The Board felt that although the advertisement was clearly sexually provocative it did not treat sexuality insensitively to the audience. Hence the Board did not agree that the advertisement contravened section 2.3 of the Code.

The Board noted that complainant's comment that there were lesbian overtones in the advertisement. The Board did not agree.

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