



CASE REPORT

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| 1. Complaint reference number | 449/09 |
| 2. Advertiser | Angus & Coote Jewellers |
| 3. Product | Other |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 14 October 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

Print advertisement of a semi-naked female model wearing amore & baci jewellery.

THE COMPLAINT

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

It did not feel right to use a naked body (even if partially covered by hair) for marketing purposes, especially in a family environment such as the plaza. This is undermining society's morals, and destroying the sacredness of the human body. This pornographising of culture also contributes to the demise of society, and leads to further degradation and commodification of women.

THE ADVERTISER'S RESPONSE

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

Angus & Coote is committed to responsible advertising practices and does not intend to offend its consumers or the general public.

Section 2.3 of the AANA Code of Ethics provides: Advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone. The complaint relates to an advertisement currently in use in Angus & Coote stores in connection with the promotion of Amore & Baci products. I enclose a copy of that advertisement for your reference. My client does not believe that the advertisement could be regarded as contravening Section 2.3.

The image was supplied to my client by Amore & Baci and has been used in an international campaign. My client is not aware of any other complaints in relation to its use. While the advertisement suggests nudity, it does so in a tasteful manner. The woman is covered and is not depicted in a sexually suggestive pose. The image is comparable to an image of a woman in a bikini. The image is not inappropriately intimate or sexual and nor does it disparage or discriminate against women. It does not depart from current community standards and is quite a moderate image compared to some that are commonly seen on billboards or buses.

The advertisement is used for display inside Angus & Coote stores, so the immediate audience is limited to shoppers in Angus & Coote stores and possibly some passers by who observe it from outside the store. It is not targeted to children.

However, my client is willing to cease using this advertisement, in view of the complaint, while not

accepting that it is required to do so. My client proposes to use an alternative advertisement supplied by Amore & Baci.

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 complainant's concerns.

The Board viewed the print advertisement and considered whether it 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 programme time zone."

The Board noted that the advertisement was for the sale of jewellery and was placed inside the Angus & Coote jewellery shop. Some members of the Board felt that the advertisement might be too confronting for some members of the community particularly those who may not expect to find such a picture in the jewellery store. However, the majority of the Board felt that the tone of the advertisement was appealing to a younger adult market, where the advertising of international fashion jewellery is often slightly sexualised. The Board considered that the woman in the advertisement was not overly sexualised or provocative and that the types of products sold in the store were not targeted to children. However, the Board noted that following receipt of this complaint, the advertiser had ceased using the advertisement in its stores.

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