



CASE REPORT

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| 1. Complaint reference number | 457/06 |
| 2. Advertiser | Empire Bay Marina |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Transport |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1 |
| 6. Date of determination | Tuesday, 14 November 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This advertisement featured on public transport depicts a woman's torso wearing bikini top and shorts, sitting alongside a Yamaha motor boat engine with the banner headline "Empire Bay Marina – for all things boating".

THE COMPLAINT

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

It portrays women as anonymous, faceless sex-objects and is made even worse by the fact that it appears on the back of a school bus.

THE ADVERTISER'S RESPONSE

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

It is with great surprise that we note your correspondence.

Our arrangement is that the bus involved is not used as a school bus, except in emergency, as it's daylight operational hours would be vastly reduced, thus limiting our exposure;

Before the ad was approved, we sought random opinion from many people (mainly women) as to their reaction to the graphics. The only possible negative comment was that one woman jocularly asked why it couldn't be a man.

Once you have perused the attached photo ad sample, we feel you will agree that the subject advertisement does not cause any (reasonable) offence. Might it be suggested that many other print and electronic media ads are far more controversial than our ad.

Please note that we consider the complaint vexatious and it questions the motive of the complainant. Further, if the ad is 'so offensive,' why has it taken twelve months for the matter to be brought to notice by anyone?

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 whether the advertisement contravened the sections of the Code dealing with discrimination, in this case, against women.

The Board viewed the advertisement and agreed that the advertisement used the image of an attractive

woman to attract male customers, but also agreed that this of itself did not constitute discrimination against or vilification of woman.

The Board also determined that the image of the woman's body was not inappropriately sexual.

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