



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 511/08  |
| 2. Advertiser                 | Big Flower Super Nursery                        |
| 3. Product                    | Household goods/Services                        |
| 4. Type of advertisement      | Print   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 10 December 2008                     |
| 7. DETERMINATION              | Upheld – discontinued or modified               |

## **DESCRIPTION OF THE ADVERTISEMENT**

Print advertisement for Big Flower Super Nursery advertising garden ware, pots, flowers and plants. The advertisement includes a photo of a naked female of ethnic background holding a bottle of wine. Star superimposed near the female with text: "Spend over \$100 & receive a free bottle of wine".

## **THE COMPLAINT**

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

*I feel the advertisement is derogatory, sexualized and inappropriate, especially towards women of an ethnic background. The image has no connection to the company or the product being sold. It appears in a 'family orientated' newspaper that is widely distributed in the local area. Additionally, I feel the offer of a free bottle of wine only encourages irresponsible purchasing of goods in order to receive alcohol.*

*I am writing to inform you that the advertisement that is discussed below, ref 127/08 is being used again in the Central Coast, Express Advocate, Wednesday Edition, 8th October 2008 for/and on behalf of Big Flower Super Nursery. Was the ad only suspended for a short time or indefinitely? Does the advertiser receive a fine if purposely in breach of the requested withdrawal? Does the Newspaper receive a fine if re-submitting a withdrawn advertisement? Is the Newspaper liable at all? The advert is still offensive, and so now is the disregard the advertisers have shown for a ruling, and respect shown for others.*

## **THE ADVERTISER'S RESPONSE**

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

*After I got your last complaint I rang your office and suggested that I will in future delete the flower pot on the bottom of my daughter-in-laws bottom. I ask if I have to get it in writing that the woman answering the phone agreed. She said no: it is ok.*

*I am surprised by your new complaint. Eight years ago you did agree to the full logo. We are a family nursery, so my daughter-in-law can advertise the nursery.*

*Sorry about the affair. Times are very hard for nurseries. I think a bottle of Clear Skin Wine for over \$100 purchases is not encouraging drinking as the ad tells you "it is only for customers over 18 years and over. Photo identification is required. Big Flower supports responsible drinking."*

*In the meantime I changed the ad. We will advertise statues we sell.*

## **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 and reviewed the advertisement under Section 2.1 of the Code which deals with discrimination on the basis of gender and also Section 2.3 which relates to the appropriate use of sex, sexuality and nudity.

The Board noted it had previously considered a similar advertisement by the advertiser (Case Ref No. 127/08), which it upheld.

The Board noted the woman depicted in the advertisement was nude, with a nipple showing. The Board also noted that the half-page advertisement featured in a local newspaper is accessible by a wide range of readers.

The Board considered that the image of the naked woman was gratuitous and irrelevant to the product being advertised. The Board considered this use of the image objectified the woman.

The Board therefore found the depiction of nudity in the advertisement was not sensitive to the relevant audience in breach of Section 2.3 and the image used objectified women contrary to Section 2.1.

The Board also noted a complainant expressed concern about the offer of a free bottle of wine in the advertisement. However the Board considered this was not encouraging excessive alcohol consumption contrary to community standards of health and safety and therefore was not in breach of Section 2.6.

Finding the advertisement breached Sections 2.1 and 2.3 of the Code, the Board upheld the complaints.

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

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

As per above comments, the advertiser has agreed to use illustrations of "*statues we sell*".