



CASE REPORT

1. Complaint reference number	531/09
2. Advertiser	Coca Cola Sth Pacific
3. Product	Food & Beverages
4. Type of advertisement	Transport
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement depicts an image of a person who is about to drink bottled water. On the page, there are ticked boxes next to several images including a whale, and a party on the beach. The caption says "On your to do list." There are items which have a tick in the box and a bigger shot of a woman (who in one of the pictures, is naked and in the other is wearing a white evening dress. On both pictures an open box appears with no tick.

THE COMPLAINT

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

It's offensive because a woman is a person, not an item or THING on a to-do list. This ad ensures that future generations (male & female) continue to believe that a female is something to be 'had'. It's not how I see myself personally and I wouldn't want my little nieces to grow up seeing themselves this way and simply accepting that it's the norm.

Basically it is insinuating that spending time with a woman in an immoral fashion (not in the privacy of a premises) should be on everyone's list. The standards of decency have gone right out the window and I find it very difficult to explain what this add is depicting to people who 1. do not speak English, and 2. are very young.

Nudity and sexual connotations.

THE ADVERTISER'S RESPONSE

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

The ad is a promotion for Pump's "Big To Do" list, in which consumers are invited to weigh in with ideas for exciting or adventurous activities they would like to try. The creative depicts several activities that potentially could be on one's "to-do" list, such as whale watching, beach parties, tightrope walking and heli-jumping. The two female models in the ad illustrate two yet-to-be-achieved activities: dancing the tango on a rooftop (in which the "dancer reaches out to invite the Pump drinker to dance with her) and skinny dipping. Consistent with all the other examples in the ad, it is the activities that are the "to-do" items, not the women. We believe the intention of our ad is clear - to encourage fun and activity - and do not believe the ad, when viewed as a whole, can easily be construed as demeaning a gender or promoting sexual behavior.

As for the complaint of nudity, the skinny-dipper is shown only in silhouette form and is not portrayed in any type of a sexual context. Again, the point of the entire creative concept is to encourage fun and adventure, not sexual activity.

We maintain that nothing in this ad is inherently offensive or in violation of community standards, and submit that it does not violate section 2.1 of the code.

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 that the advertisement objectified women by indicating that the woman was a "thing" that appeared on the to do list.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.1 and 2.3 of the Code. Section 2.1 of the Code states:

"Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief".

The Board noted that the women were portrayed in a manner which might be interpreted as implying that the women were on the to do list. However, the Board noted that the advertiser had explained that the advertisement was intending that skinny dipping or dancing were on the to do list.

The Board agreed that the advertisement may have been objectifying towards women, however, the advertisement did not depict them in a demeaning or vilifying manner and the tone of the advertisement was not degrading in any way. The Board agreed that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement 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."

The Board agreed that the picture of the naked woman diving into the sea was not overly sexualised and that the nudity displayed in the ad was discrete (due to the night time lighting) or likely to cause offense to members of the public. The Board agreed that the advertisement did not breach section 2.3 of the Code.

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