



CASE REPORT

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| 1. Complaint reference number | 540/08 |
| 2. Advertiser | Rivers (Aust) Pty Ltd |
| 3. Product | Clothing |
| 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 | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement from Rivers Australia for its swimwear shows a young woman wearing a bikini walking near water. The shots focus on her upper torso and then on her bottom and lower torso. During the shots prices and information about the sale dates are shown. The advertisement ends with a screen of words which say, "Ends Nov 24 Any left, \$ Back up, Your local store may have lots or none".

THE COMPLAINT

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

I object to this advertisement because I wonder what they are selling, Is it the bikinis for sale or is it an ad for sexual arousal. Do they really need to advertise bikinis this way? Does the photography really need to be up-close shots of pink bits? What ever happened to tasteful advertisements of swimwear where you can actually see what the swimwear looks like on the whole body and not just the bits it sits on. To me this advertisement is aimed at men and not woman for who the ad is supposed to be for, therefore an ad aimed at the sexual arousal for men. There is not one head picture of the woman wearing the bikinis, the music is the same sultry type of music played during sex related ad for adult fun in the evenings after 11pm. All photography is of the womans breasts and crutch up-close. I object to this advertisement as I dont think that they have advertised the product in a tasteful manner especially when children are viewing at that time of the day. If they really think selling the product this way is right then maybe do the right thing and put the advertisement on at an appropriate time like after 9pm. My children dont need to see up-close photography of a womans bits and pieces to sell a pair of togs. To me it is sexual exploitation of women not selling swimwear. I dont want my children thinking it is ok to see up-close photography of a woman bits and pieces anywhere. That sort of photography is common in pornography be it soft or hard core porn. I find it terribly unacceptable.

THE ADVERTISER'S RESPONSE

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

Rivers Australia do not believe this ad breaches or fails to comply with any advertising standards. There is nothing in the ad which is uncommon or unusual when it comes to advertising women's swimwear (or underwear for that matter). The model is fully clothed at all times and the close ups serve the purpose of highlighting the product, not the model. These sort of close ups are commonplace in advertising of this sort of product As far as the music being suggestive, we believe this is a result of the complainants interpretation of the audio, and not a result of anything contained in the actual track.

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 about the depiction of the woman wearing a bikini in the advertisement and considered the application of Section 2.1 of the Code, relating to discrimination and vilification, and Section 2.3, relating to sex, sexuality and nudity.

The Board noted that the advertisement was aimed at selling bikini tops and bottoms, so considered it reasonable to depict the bikinis being modelled, including close-up shots of the bikini as worn by the model. The Board noted that the model's face is shown at the start of the advertisement and that the focus of the advertisement starts on the top half of her body where text refers to the price of bikini tops and then shows her bottom half when referring to bikini bottoms.

The Board determined the advertisement was not discriminatory towards, or vilifying of, women generally and found no inappropriate treatment of nudity or sexuality. The Board therefore found no breach of either Section 2.1 or Section 2.3.

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