



## **CASE REPORT**

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| 1. Complaint reference number | 580/09  |
| 2. Advertiser                 | Radio 2GO                                       |
| 3. Product                    | Entertainment                                   |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 9 December 2009                      |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor advertisement depicts Sarah and Dwayne lying down on their side, full clothed. It is promoting their show on radio. Sarah is wearing a dress which reveals her cleavage.

## **THE COMPLAINT**

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

*In the photo, Sarah is in a very skimpy dress in a pose that shows much of her cleavage. The image is very big on buses and at bus stops, and her breasts are huge and hanging out. It is a sexualised image and I do not think that it is appropriate for the wider community to have to see. Lots of families with children use bus services on the Central Coast, and the ads are in prominent places where there is high exposure (ie on main roads).*

*The ad contains adult sexuality and is not an image appropriate for children to see (it is in breach of section 2.3 of the AANA code of ethics). There is a lot of information available now on child health professionals' findings on the negative effect of exposure to developmentally inappropriate sexualised images in children. It has short term and long term destructive effects in terms of body image, mental health, relationship skills, and sexuality. This image encourages the thought that a woman's worth is purely related to her body and her sexuality.*

*It is also an image that should not be forced onto adults - people who want to see women scantily clothed have resources available to them to pursue their interests, people who do not appreciate these images should not have to see them. I find it offensive and sexist - I think it discriminates against women as it implies their worth is only as sexual objects (in breach of section 2.1 of the AANA code of ethics). It is also disappointing that the radio station's advertising staff could not draw public attention to Sarah and Dwayne's program and their professional skills without Sarah exposing her body.*

*Sarah is a public figure on the Central Coast and the radio station is often involved in community activities. Their presenters are looked upon as role models to a degree, and as such their ads have an impact on the community of listeners. They have used buses and bus stops to get great exposure. It is unfortunate that they have not considered the offensive and inappropriate image they chose to use given their audience. I think it would be refreshing if their ads could effectively market their shows in a way that does not have negative messages for the community.*

## **THE ADVERTISER'S RESPONSE**

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

*The Radio Station is owned and operated by Central Coast Radio Pty Limited, a subsidiary of*

*Macquarie Southern Cross Media Pty Limited. We make this response on behalf of the Radio Station.*

### **Background – Radio Station**

*Before we set out our response to the Complaint, we feel it would be useful to provide some background information about the Radio Station and the Advertisements, including the personalities involved (who feature in the Advertisements).*

*The Radio Station has a 39 year history on the Central Coast of New South Wales. The Radio Station's target demographic is the 35 to 54 age bracket, but it serves the general Central Coast community.*

*The Radio Station prides itself on being an integral part of the Central Coast community. It is frequently involved in local charity initiatives, both in support of the community generally, and children in particular. An example of the Radio Station's support for the latter is the 'Give Me 5 For Kids Appeal', an appeal that has raised over hundreds of thousands of dollars for the Gosford Hospital Children's Ward since 1994.*

*The Radio Station's breakfast show (which is promoted in the Advertisements) is a fun and family-focused program. The hosts, Sarah and Dwayne, have hosted the breakfast show together for five years. Sarah has spent 17 years on-air in her current role at the Radio Station, and both hosts are well known public personalities on the Central Coast.*

### **The advertising campaign**

*The Advertisements are part of an outdoor advertising campaign for the Radio Station's breakfast show. The campaign has been running for 19 months, pursuant to a 24 month advertising agreement.*

*The outdoor advertising has appeared at bus stops and on buses around the Central Coast. The photographs used in the Advertisements also appear on the Radio Station's website.*

*The artwork in the advertising campaign depicts breakfast show hosts Sarah and Dwayne in formal attire. Sarah is dressed in a tight-fitting red cocktail gown, and Dwayne is dressed in a tuxedo. They are reclining on their sides, toe to toe, almost symmetrical.*

*The objective behind the advertising campaign was to create a parody; to illustrate through humour that the hosts can make fun of themselves and do not take themselves too seriously. Regular listeners of the breakfast show would be aware that the hosts' on-air 'personalities are completely down to earth. In the radio studio they are usually attired in tracksuits or other casual clothes. This led to the idea behind the advertising campaign (which was Sarah's idea) to show the hosts 'glammed up' in formal wear.*

*The advertising campaign contains three variations of the artwork, which all play on the theme of the hosts not taking themselves too seriously.*

*In addition to the examples included in the attachments to this letter, the caption in one of the Advertisements states 'Sarah and Dwayne for breakfast. 107.7 2GO FM. Serious cash. Sarah and Dwayne's \$1000 minute.' The intent was to imply that the amount of cash is serious, but that Sarah and Dwayne do not take themselves seriously. Another advertisement in the campaign featuring the same photographs of the hosts continued this theme with a joke caption which referred to an air brusher 'doing what he could' to the photographs to make them look good, but not taking any responsibility for the way the hosts sound.*

*The decision to wear the red cocktail dress in the photographs featured in the Advertisements was Sarah's idea, and the cocktail dress is Sarah's own. Sarah wanted the Advertisements to convey her attitude that as a woman with curves she is comfortable with her own appearance. As discussed below, our view is that this is a positive message, and it is disappointing that the complainant thinks otherwise.*

### **The Complaint**

*The Complaint claims that the Advertisements are in breach of both sections 2.3 and 2.1 of the*

*Australian Association of National Advertisers Code of Ethics (Code).*

*To summarise, the Complaint asserts that the image of Sarah in 'a very low cut red dress' in a pose that shows much of her cleavage is a sexualised image and inappropriate for the wider to community to see. The complainant finds this image of Sarah offensive. The complainant believes the Advertisements contain adult sexuality, and that the image of Sarah is not appropriate for children to see. The complainant contends that the image in the Advertisements 'encourages the thought that a woman's worth is purely related to her body and her sexuality'.*

*The Complaint also alleges that the Advertisements discriminate against women (in breach of section 2.1 of the Code) because it implies their worth is only as sexual objects.*

### ***Our response***

*We have carefully reviewed the Advertisements in light of the contentions set out in the Complaint.*

*For the reasons set out below, we are of the firm view that the Complaint should not be upheld. Our view is that the Advertisements comply with the Code.*

#### *Code 2.1 - discrimination against or vilification of women*

*The Complaint contends that the image in the Advertisements discriminates against women as it only implies their worth is as sexual objects in breach of section 2.1 of the Code. The Complaint claims that the Advertisements are derogatory towards women because Sarah is wearing a 'very skimpy dress' and her 'very generous' cleavage is on display.*

*Section 2.1 of the Code provides that advertising or marketing communications shall not portray people or depict material in a way which discriminates or vilifies a person or section of the community on account of ... sex.*

*Our understanding is that the threshold tests of 'discriminates or vilifies' are high tests. We understand that the ordinary meaning of 'vilification' is to incite hatred, severe ridicule or serious contempt of people. We also understand that the term 'discrimination' is usually used to describe the situation in which a person or group of people are unfairly treated on the basis of a prejudice or perceived difference about that person or group of people.*

*With respect to the complainant, we fail to see how the image used in the Advertisements could be interpreted as either discriminatory or vilifying towards women. The image does not convey the impression that women are merely sexual objects. The synergy between Sarah and Dwayne does not hint at anything that might be interpreted as being derogatory towards or inciting contempt for women. Sarah and Dwayne are posing in the Advertisements as equals, which is what they are - on their breakfast program and generally. There is no hint that Sarah is any way subordinate to Dwayne because she is not.*

*Conversely to the complainant's allegation, we believe that the image of a woman with curves in a cocktail gown who is clearly comfortable in her own skin should be interpreted as empowering to women. This is particularly the case in light of media attention frequently devoted to the appearance of unrealistically thin women in advertising. If anything, Sarah's appearance in the Advertisements sends a strong and positive message to women and promotes the appearance of women of all shapes and sizes in marketing campaigns.*

*As noted above, it was Sarah's idea to be photographed wearing her own red cocktail dress. It was not a concept contrived by a male advertising or photography team. Listeners who are aware of Sarah's on-air personality would know that Sarah is a strong and intelligent woman. It is offensive to Sarah (and to curvy women generally) to suggest that her appearance in the campaign is as a 'sexual object'.*

#### *Code 2.3 - portrayal of sex, sexuality and nudity*

*The Complaint asserts that the images in the Advertisements contain adult sexuality and are not appropriate for children to see, in breach of section 2.3 of the Code. Section 2.3 of the Code requires advertisements to treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*Again, with respect to the complainant, we do not agree that the Advertisements breach section 2.3*

*of the Code. Individual standards as to what is acceptable in respect of sex, sexuality and nudity obviously vary widely. While the complainant finds the image offensive and in breach of the Code, we disagree.*

*Our view is that the audience for the Advertisements (being the Central Coast community at large) would consider the images contained in the Advertisements as appropriate for that audience. The fact that the advertising campaign has been running for 19 months and this is the first complaint received in respect of the Advertisements supports this view.*

*There is no nudity or even partial nudity in the Advertisements. Both Sarah and Dwayne are fully clothed. In multiple instances, the Complaint refers to the 'inappropriate' exposure of Sarah's 'huge' breasts. However, as noted, Sarah's body is covered by a dress. Due to the cut of the dress, Sarah's cleavage is visible. However Sarah's breasts are not exposed and we do not consider that visibility of cleavage falls within the common concept of 'nudity'. Instead it seems that the basis of the complaint is that Sarah is curvier than an average advertising model. As noted above, our view is that this sends a positive rather than a negative message, particularly to younger women.*

*The advertising campaign was not intended to convey anything sexual. Having reviewed the Advertisements, we maintain our view that the images in the Advertisements do not convey any sexual connotations of any sort. Sarah and Dwayne are reclining on their sides, toe to toe, each looking at the camera (not at each other). There is no suggestion of a sexual relationship. A separate observation is that members of the audience who are familiar with the hosts would also be aware that both the hosts have families of their own.*

*As noted, the Radio Station serves a wide audience and it was intended that the outdoor advertising campaign reach that audience. Our view is that the Advertisements were appropriate for that audience, and that they comply with the Code.*

#### Additional comments

*The Radio Station takes its responsibilities to comply with laws, regulations and codes very seriously. It is also important for the Radio Station's business and image to comply with and maintain contemporary community standards.*

*As the Advertisements feature the hosts of a high-rating breakfast program, our view is that the audience for the Advertisements would be familiar with Sarah and Dwayne and their program. The Advertisements are intended to be humorous, and we understand that is how they have been received by the audience. We also consider that other messages conveyed by the Advertisements about women in advertising are positive (as explained above).*

#### **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 concern that the advertisement was inappropriate for the wider community to see because Sarah's cleavage was prominently displayed because of her dress.

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

The Board considered whether the advertisement was in breach of section 2.1 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, sex, sexuality, gender, disability."

The Board noted that the dress that Sarah was wearing was revealing of her cleavage but considered that she was not depicted in a sexualised manner. The Board considered that although revealing of cleavage the advertisement was not sexualised or sexually suggestive and was clearly an advertisement focused on the two personalities of the radio programme. The Board considered that the advertisement was not in breach of section 2.1 of the Code.

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

complaint.