



## CASE REPORT

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 79/00  |
| 2. Advertiser                 | Windsor Smith Pty Ltd  |
| 3. Product                    | Clothing   |
| 4. Type of advertisement      | Outdoor  |
| 5. Nature of complaint        | Discrimination or vilification Other – section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3<br>Health and safety – section 2.6 |
| 6. Date of determination      | Friday, 17 March 2000  |
| 7. DETERMINATION              | Upheld – discontinued or modified  |

## DESCRIPTION OF THE ADVERTISEMENT

The outdoor billboard advertisement is headed with the words ‘Windsor Smith’ and is divided into two halves. The right hand half comprises a photograph of three different models of shoes. The left hand half comprises a photograph of a seated woman next to a standing man. The man is dressed in black trousers and shirt, while the woman is wearing a black jacket, bra, high heeled sandals and mini skirt, with underpants revealed as a result of her spread legged pose. The man is cupping the woman’s face in his hand, which is held in close proximity to his groin region.

## THE COMPLAINT

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

*“My first impression was incredulity that such a soft-pornographic image, usually purposefully sought and found between the glossy covers of an adult magazine, an M rated film or in a performing arts venue, would and could be presented mega-magnified in a public thoroughfare.”*

*“The woman is barely clothed, dressed provocatively with legs apart and her face in line with a man’s genitals. In contrast, the man is fully clothed holding her face. It suggests the woman is “servicing” the man in a sexually exploitative way. Furthermore, the caption next to the picture promotes a shoe style called ‘Spear’. This has a sexually aggressive (bordering on violent) innuendo.”*

*‘To me, the image is such that when first viewed, it looks like the woman is performing fellatio on the man.’*

*“Sexually exploitative images of women in advertising and the media only contribute to a depersonalised, objectified image of women that does nothing to promote equality or decency. Sexual crimes against women will continue as long as these sort of ugly images are allowed.”*

## THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics (‘the Code’).

The Board was of the view that the portrayal of the man and woman in the advertisement was in breach of Section 2.3 of the Code, which provides that:

2.1 Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

In making its determination, the Board noted that the location of the advertisement on prominent

outdoor sites effectively placed it on general exhibition to the public at large. The Board regarded the image, in its overall context, as conveying a strong theme of sexual suggestiveness that was inappropriate for such an audience and, accordingly, upheld the complaints.

#### **ADVERTISER'S RESPONSE**

“Windsor Smith have (sic) decided to stand by their belief that the billboard campaign that started from March 1 is not inappropriate and to leave the billboards up.

Although we hold a high respect for the Board, we feel that in this case that the Board has made a bad judgement and used Windsor Smith as an example as a result of complaints we feel is from a minority.”