



Case Report

1	Case Number	91/10
2	Advertiser	B.A.T Trims
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Internet
5	Date of Determination	24/03/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

This Internet advertisement is on the advertiser's own website. There is a banner across the website which features rolling images of tools and other equipment available. There are two images of women among the images of the tools. The first image depicts a woman on her knees using a tile cutter. The woman is wearing short shorts, a singlet top and enclosed shoes. The second image depicts a woman wearing a bikini standing holding a grout gun. She is against a tiled background.

THE COMPLAINT

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

The use of scantily clad woman to advertise tiling tools is irrelevant and gratuitous. Working within the building industry I specify these products. Advertising building tools based on sexual image has no place within the industry. While I am now specifying from alternative suppliers to allow B.A.T Trims advertising on their web site to go uncontested would be to condone an unprofessional approach to woman within the building industry workforce. Unfortunately I am not confident that my solitary complaint directly to the supplier would be considered. Thank you for the ability to voice my dissatisfaction and disappointment.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

I refer to letter of complaint forwarded to us by you from the Advertising Standards Bureau, in which said complaint was made with regard to advertising on our Internet Web Site.

We are somewhat surprised by the reaction this has caused, considering the fact that we are based within the building industry where women are commonly photographed within advertising for the promotion of power tools etc.

While we fully understand that the photography utilized in this case may not appeal to all people that may view the website, we strongly disagree that the photography is in any way gratuitous.

It is not unlike the images often portrayed of tanned, well – exercised trades MEN walking around in just shorts and work boots, or of the current campaigns that exist for men’s underwear.

Being an Industry based wholesaler, our website is generally only viewed by people within our set industry, and therefore traffic would mainly consist of trades people and professionals of reasonable age and intellect who would be able to form their own opinion of the advertising.

We must stress however that the website has been up and live in it’s current format for the past 12 months with this complaint being the only received.

Finally, please note that B.A.T. TRIMS also takes exception to the fact that the complainant was of the opinion direct contact and subsequent complaint with us would not have been considered.

B.A.T. TRIMS takes all communication with customers, suppliers, and / or general public seriously and we can assure you that discussion with the complainant would have been taken to hand.

We are however thankful though that the board has given us a chance / right of reply.

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 depiction of the women with the tools is irrelevant and gratuitous.

The Board considered the application of Sections 2.1 and 2.3 of the Code.

In regard to the advertisement's portrayal of sex, sexuality and nudity under Section 2.3, the Board noted that one woman is wearing shorts and a tanktop while the second image depicts a woman wearing a bikini. The Board considered that in both images the women were attractively presented, not sexualised, and that there was not inappropriate nudity. The Board considered that the images of the women did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.3 of the Code.

The Board then considered the images against section 2.1 of the Code which provides that: advertising or marketing communications shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of...sex.'

In the first image the woman is kneeling on the ground using a tile cutter in clothing that was not inappropriate. The Board considered that the woman was depicted using the product and that this image was not inappropriate and did not discriminate against women.

In the second image the woman is wearing a bikini and is standing holding the grout gun. The Board noted that it had previously considered advertisements featuring women in sexualised positions and that the use of such images has at times been a divisive issue for the community, particularly where there is no relationship between the woman and the product being advertised.

The Board noted that there is no relationship between a woman in a bikini and the product being advertised. The Board considered that this second woman is objectified in the sense that she is depicted purely to be looked at and, although holding the tool, she is not depicted as someone using the tool and has no relation with the product. The Board considered that the community would find the portrayal of the woman unacceptable and without justification in the context of the products advertised and in the media utilised. On this basis the Board determined that the advertisement did discriminate against women and is in breach of section 2.1 of the Code.

The Board noted that these images are on the advertiser's own website and have an audience of tradespeople but considered that the second image objectified the woman and this occurred regardless of the medium.

Finding that the advertisement breached the Code on other grounds, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

Please note that we have modified the advertising, and the said image has been removed from our website. We will however be requesting an Independent Review of the Board's decision.