

Case Report

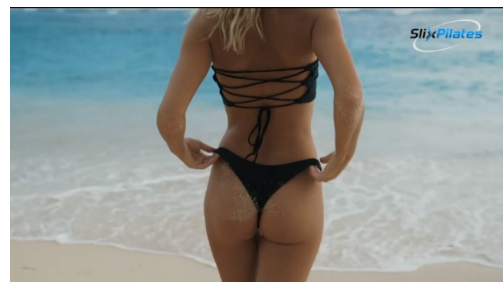
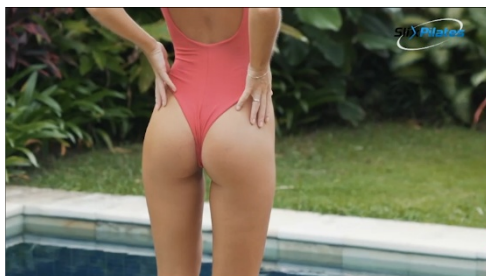
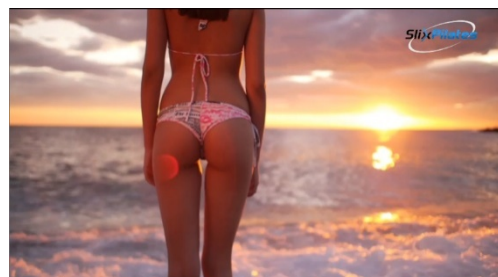
1. Case Number :	0027-24
2. Advertiser :	Brand Developers
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	7-Feb-2024
6. Decision:	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement is promoting a pilates machine and features various images of women in swimwear, and a male voiceover that included language such as "Want to lose those love handles, and get a firm butt and long lean, sexy legs?" and "A Pilates body is beautifully sculpted; long and lean, with a firm butt, toned abs, sexy legs and defined arms and shoulders." The advertisement runs for a total of approximately 2 minutes.



THE COMPLAINT

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

Fat and body shaming (both verbal and visually), over sexualising women, images of women from behind in skimpy/g string swim and underwear with crotch. This ad is for a piece of exercise equipment not a men's magazine which is a large part of the tone of the content.

Oversexualisation of female bodies to sell a home Pilates machine... the zoomed in rear bottom shots are ridiculously salacious.

Sexualised content of women. Message to women, particularly young women, you need to buy this Pilates machine to look good. All close ups were of their bottoms. No males were dressed like this in the ad.

THE ADVERTISER'S RESPONSE

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

The ad is obviously promoting exercise equipment, specifically a Pilates Reformer. We feel that the models demonstrating the machine and the Pilates specific exercises are dressed appropriately for TV advertising. They are wearing typical gym gear.

The nature of the exercise e.g. "spreading the legs" is part the workout method developed by Joseph Pilates after whom it is named.

The ad also shows footage of models by the beach or pool in swim wear to demonstrate the possible results.

Again, we feel that these models are dressed appropriately for the environment. We are not showing anything that cannot be witnessed on any given day, for example on Bondi beach.

In regards to complaints about fat shaming, we clearly want to distance ourselves from this accusation. At no point do we intend to make the viewers feel uncomfortable.

We feel that the opening of the ad clearly addresses viewers who are either already exercising or have set goals in their minds.

We are simply suggesting to consider the Pilates exercise method over other alternatives.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- is objectifying women
- is too sexualised for broadcast on television during daytime viewing and when children will view it
- contains body shaming.

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

Section 2.2: Advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative – (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.
Degrading – lowering in character or quality a person or group of people.

Does the advertisement use sexual appeal?

The Panel considered that the combination of using images of women in bikini swimwear where the focus is on their buttocks and legs, together with the use of suggestive voiceover phrases such as “get a firm butt and long lean, sexy legs”, is a depiction which most members of the community would consider to contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement is for an exercise machine and the focus on the women's bodies is to demonstrate the possible results which can be achieved by using the product.

The Panel considered that it was clear from the advertisement that the product for sale was not the women, and that the women were not depicted as an object or commodity. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the women was relevant to the promotion of the Pilates product, and this did not lower the women in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the women are not engaging in sexual activity. The Panel considered that the advertisement did not contain a depiction of sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted the advertisement featured close-up images of women in swimwear with a focus on their buttocks and legs, and the male voiceover used some suggestive

language, and considered that some viewers may interpret this as a depiction of sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted the advertisement featured women in swimwear and that this was a depiction of partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to understand how they might react to or feel about the advertisement.

The Panel noted that this video appears on television and considered that the relevant audience would be broad and would include children.

The Panel considered that the women were depicted in swimwear consistent with what would usually be seen at a beach or pool. The Panel considered that while there was a focus on their bodies, this was relevant to the promotion of the product and consistent with the messaging of the advertisement.

Overall, the Panel considered that the advertisement was not overtly sexual or inappropriate for use in a setting where a broad audience would view the advertisement.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to this section of the Code:

“Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. Exposure to unrealistic body ideals can lead to harmful body dissatisfaction and disordered eating and for this reason it is not acceptable in advertising.”

The Panel considered that while the women depicted in swimwear were slim, they did not appear to be unhealthy or to be promoting unrealistic ideal body images.

The Panel noted a scene at the five second mark of the video which depicted a woman doing up a pair of jeans over her stomach as a voice-over says, “Want to lose those love handles...”

A minority of the Panel considered that the voice-over was referring to the possibility that the woman in the advertisement may want to tone-up and was not a suggestion that she needed to lose weight.

The majority of the Panel considered that the phrase, “lose those love handles” would commonly be interpreted as a call-to-action to lose weight. The Panel considered that the woman depicted appeared to be slim and healthy, and most members of the community would not consider this as a depiction of someone who was in need of losing weight.

The Panel considered that the suggestion that the woman depicted was in need of an intervention or weight loss could be seen as an unhealthy suggestion which would be unhelpful to people with body issues.

The Panel considered that most members of the community would consider that such a depiction is irresponsible and against prevailing community standards on health and safety.

Section 2.6 conclusion

Overall, the Panel considered that the advertisement depicts material contrary to Prevailing Community Standards on health and safety in relation to body image. The Panel determined that the advertisement did breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaints.

THE ADVERTISER’S RESPONSE TO DECISION

We will modify the advertisement, thank you.