

Case Report

1. Case Number :	0082-24
2. Advertiser :	Orchard Piper
3. Product :	Real Estate
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	3-Apr-2024
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement promoting a real estate development features several images, including one of a woman leaning into a car with her skirt blown upwards and her sheer underpants visible.



THE COMPLAINT

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

This image clearly objectifies women as sexual objects of wealthy men. It is sleazy, salacious and clearly misogynistic. It does not belong on a billboard in this day and age. It belongs back in the dark ages of the 70's where women were scantily clad and draped over luxury cars that clearly only men could afford. This message is not one

that should be portrayed to young girls or women. I do not want my three daughters seeing it when I am driving along Toorak Road or shopping in Toorak Village.

This misogynistic image needs to be removed, in the same way that a racist image would be removed. It does not belong in modern society.

As an early educator I know that this image gives children a very warped view of gender roles in society. It is harmful and I don't know how went from some thought bubble to a billboard. It should never have got past some man's frontal lobe. To add insult to injury they have plastered the image right next to a photo of a children's toy store!

Outdoor advertising at 424 Toorak Rd, that uses a sexist image of a woman that is degrading and exploitative.

Use of sexual images in a way that is exploitative and degrading. Offensive images that dehumanises women, is sexist and sexualises women with no justification or association with the product.

THE ADVERTISER'S RESPONSE

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

We wanted to provide you with some background regarding the use of these images. We are currently constructing our new mixed use development on the corner of Mathoura Road & Toorak Road which comprises residential, commercial and retail uses. Toorak Village is very much in the midst of transformation. There has been recent development in the area, new restaurants, bars and Stonnington Council has recently completed upgrades to the streetscape between Wallace Avenue & Grange Road. This includes new curbs, pavements, street art, furniture, landscaping & mood lighting.

Our vision for the precinct is that it will soon return to its former heights. Our intention with the photo wall was to present a depiction of Toorak Village through time, some of those images taken by one of the cities most renowned photographers of the era, Rennie Ellis. This was very much part of a coordinated campaign which sought to show the former glamour of Toorak Village in the 60s & 70s in particular. We note Rennie Ellis was recently on exhibition at the State Library of Victoria, which was sold out due to his popularity. The Rennie Ellis photographic archives are regularly used in brand collaborations throughout the country.

We have proactively removed the image in question as soon as we heard there was offence taken. Please also note, we (and the builders) have received numerous phone calls, emails & messages of people noting their dismay and questioning why we would

remove such an iconic image of the era. As we said, we would prefer to not cause any issues and have replaced the image with another (provided).

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' concern that the advertisement is sexist, degrading, exploitative, and inappropriate to be shown where children can view it.

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

Section 2.1: Advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the advertiser's response that the photograph was from a well-known local artist and had been used to show the history of the area.

A minority of the Panel considered that the photograph was artistic and would be recognised as work by the local photographer by some members of the community.

The majority of the Panel considered that many people in the community would not be familiar with the photographer, and would see the image as a sexualised image of a woman used to promote a property development. The Panel considered that there were many photos which could have been chosen to show the history of the area, and the use of this particular image was not necessary or appropriate. The Panel considered that the woman had been used as a sexualised object to draw attention to the sign, and that this amounted to inappropriate treatment of the woman.

Section 2.1 conclusion

The Panel considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and found that the advertisement did breach Section 2.1 of the Code.

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 noted that this advertisement contains an image of a woman leaning over a car so that her underwear is visible. The Panel considered that this depiction contained sexual appeal.

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

The Panel considered that the focus of the photograph was on the woman's underwear and that this focus was not relevant to the product being promoted. The Panel considered that there was no indication whether the woman had consented to being photographed, and that the depiction of her reduced to a focus on her body was a depiction which dehumanised her and depicted her as an object. The Panel considered that the advertisement was exploitative.

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

Further to the reasons discussed above, the Panel considered that the depiction of the woman as a sexualised object lowers women in quality and character and the Panel considered that the advertisement is degrading of women.

Section 2.2 conclusion

Finding that the advertisement did employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel concluded that the advertisement did breach Section 2.2 of the Code.

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

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 noted that the advertisement did not feature 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 considered that the depiction of the woman in the very short skirt, with her underwear showing, leaning over a car, was a suggestion that the woman was a prostitute speaking with a client. The Panel considered the advertisement contained nudity.

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 considered that the advertisement depicts a woman leaning over so that her underwear was visible, and considered this to be a depiction of partial nudity.

Are the issues of sex, 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 have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement was a billboard and the relevant audience would be broad and include children.

Further to the reasons discussed above, the Panel considered that the depiction of the woman as a sexualised object did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant broad audience.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did breach Sections 2.1, 2.2 and 2.4 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DECISION

As per our previous correspondence the image has been replaced.