



Case Report

1	Case Number	0392/16
2	Advertiser	Racing Victoria
3	Product	Sport and Leisure
4	Type of Advertisement / media	Internet
5	Date of Determination	28/09/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement was for the launch of the Spring Racing Carnival, and utilised a homepage buyout of theage.com.au on Thursday 1st September 2016. The buyout included gutters on either side of theage.com.au content, and also an animated MREC embedded within theage.com.au content. The imagery within these assets included a body painted female talent standing next to a thoroughbred racehorse and a suited male talent.

THE COMPLAINT

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

Women topless with paint on them are not appropriate for advertising the spring carnival. It's nonsense, non-classy and tacky. It clearly looks like paint only and I am not sure why nudity and unclothed but painted women are used to advertise racing and sport.

The ad features women wearing body paint instead of clothing. Fine. I find it troublesome that the man featured in the ad remains fully clothed in a tailored suit while the women are wearing body paint and petals in place of clothing. They all look great. However, should they not all be unclothed if that is the line of advertising they choose to use? Why is it only the women who have to be unclothed? They do feature a jockey in body paint in a separate advertisement but he isn't featured alongside the women. The theme of the ad is "in full

bloom"; I don't see any reason that the man couldn't be styled in a way that was consistent with the rest of the cast. Casual objectification contributes to a society that sees at least one woman a week killed in an act of violence.

THE ADVERTISER'S RESPONSE

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

The 2016 Spring Racing Carnival campaign advertisements combine sport with art and aims to celebrate the colour and fashion of Australia's most iconic Carnival in a way that is different and innovative.

An award winning design team created on-trend floral wallpaper prints that were body painted on talent, as well as a diamond pattern painted on a leading jockey, Dylan Dunn. The concept uses vibrant flowing fabrics that connects racing silks worn by our athletes and uses a powerful visual representation to promote racing, fashion and the social experience of the Spring Racing Carnival.

Racing Victoria does not believe that this advertisement contravenes the AANA Code of Ethics, as detailed in the ASB complaints.

With reference to the following sections of the code:

2.1 - this advertisement does not discriminate or vilify the female gender in any way

2.2 - this advertisement is in no way sexually suggestive, exploitative or degrading to women

2.4 - this advertisement includes no actual nudity, and is sensitive to the audience of theage.com.au

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 complainants' concerns that the advertisement depicts a woman wearing body paint instead of clothing whilst the man is fully clothed beside her which is sexist and inappropriate.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that '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 preference, religion, disability, mental illness or political belief.'

The Board noted that this internet advertisement promoting the Spring Racing Carnival features an image of a suited man next to a horse and a woman wearing body paint on her

torso which matches her skirt and gives the impression she is wearing a dress.

The Board noted the complainant's concern that the use of a naked woman is sexist and not relevant to the advertised product. A minority of the Board considered that showing the man fully clothed but the woman with body paint on her naked torso is an unequal depiction and does discriminate against women.

The majority of the Board, however, noted that advertisers are free to use whomever they wish in their advertising and considered that although the woman is wearing body paint in the Board's view she is depicted as though wearing a dress and her pose and inclusion in the advertisement is equal to that of the man. The majority of the Board noted that the use of a naked woman is not relevant to the advertised product but considered that advertisers are free to use whomever they wish in their advertising and in this instance the use of an image of a woman wearing body paint, which is not obvious at first glance, is not of itself discriminatory or vilifying to women. The majority of the Board noted that the advertisement is targeting a specific market of adult race goers and considered that the overall image is artistic and sophisticated rather than gratuitous or suggestive of an inequality of the genders.

The majority of the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

- "Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;
- Degrading means lowering in character or quality a person or group of persons."

The Board noted that the woman is wearing body paint which looks like it is clothing.

The Board acknowledged that some members of the community could find the use of a naked woman with body paint covering her torso to be exploitative but the Board considered that the body paint is clearly representative of a dress and is an artistic design relevant to fashion and spring, both key elements of the spring racing carnival. The Board considered that the overall impression of the painted dress is artistic rather than gratuitous and the manner in which the woman is presented does not debase or abuse a woman for the enjoyment of others and the overall impact of the image is not degrading of either this woman or women in general.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the complainants’ concerns that the advertisement features nudity. The Board noted that you have to study the advertisement carefully to notice that it is body paint and not a dress the woman is wearing and considered that although the woman is not wearing any actual clothing the level of nudity is reduced by the body paint. The Board noted that the woman’s nipples are sufficiently covered by body paint to not be visible and considered that overall the nudity is subtle and the advertisement is not explicit. The Board noted the pose of the woman and considered that she is not depicted in a sexualised manner.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of the online homepage of The Age newspaper.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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