



Case Report

1	Case Number	0237/11
2	Advertiser	Vitaco Health Australia Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Billboard
5	Date of Determination	13/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features images of a woman at the beach, wearing a blue bikini and a product shot of an Aussie Bodies ProteinFX LO CARB Bar. Accompanying text reads: Keep Australia Beautiful. The Body Beautiful Bar.

THE COMPLAINT

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

I am writing to complain about the above billboards as I object to the use of "sexy" advertising in public where people don't have a choice about whether they view it or not. While admitting that the advertisement is very cleverly done to the amusement of many; I feel that standards are sadly dropping when a company needs to use a woman's body to sell food products.

I am sure this billboard is not helping the case of parents who are trying to keep their children away from semi-pornographic material considering that they do not have a choice about whether view it or not.

How long will it be before standards drop low enough before we allow nudity on billboards as I believe has been the case in Europe for a while now?

THE ADVERTISER'S RESPONSE

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

We have considered whether this advertisement breaches Section 2.3 of the Advertiser Code of Ethics (Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone).

Vitaco recognise that while some people may have different perceptions of the advertisement, the intent of the advertisement is to communicate the aspiration image of a fit and healthy female physique in connection with the functional benefits of a protein bar.

As such, we believe the content of the advertisement does not contravene the Code in relation to sex, sexuality and/or nudity and recommend the complaint to be dismissed.

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 concerns that the advertisement features an image of a woman which is sexual and inappropriate.

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

The Board considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: 'Advertising or marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted that the image on the billboard features a woman by the beach, wearing a bikini and includes the text 'Keep Australia Beautiful' and the picture of a protein bar below her.

The Board noted the complainants' concerns that the image is in a public place where it is visible by a broad audience, including children. The Board noted that the model is clearly clothed in a bikini and the image used is viewed in connection with the text, making a clear association between the image of the woman and the product being advertised ie: a food product designed to assist with weight management and good health.

The Board noted that although the focus of the image is on the woman's body and particularly her chest, she is well covered by the bikini, is not in a sexualized pose and the image does not include any nudity.

The Board considered that the image of the woman was not overtly sexualised and that most members of the community would consider the image a nice image of a woman at the beach. The Board noted that the size of the advertisement and the placement on a billboard meant that the relevant audience was very broad and could include children, however, the Board considered that the image was relatively mild and unlikely to be considered sexualised by most members of the community.

The Board considered that most members of the community would not find the advertisement offensive.

The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.3 of the Code.

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