



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0324/15</b>
<b>2</b>	<b>Advertiser</b>	<b>Go Transit</b>
<b>3</b>	<b>Product</b>	<b>Beauty Salon</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/08/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

Images of a model wearing a bikini and in a reclined position. Her body is heavily tattooed and the text reads, "Gold Coast Laser Specialists. Safe Affordable Fast Effective. PicoSure Laser Tattoo Removal".

## THE COMPLAINT

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

*This public sexually-loaded, extremely large and in-your-face advertisement was offensive to me as a married man, offensive to unmarried men trying to respect women, offensive to women in general, and offensive to parents trying to keep their children from early-exposure to sexuality, particularly at vulnerable ages. Besides this, the content of the advertisement was totally unnecessary in marketing the advertised product, and its presentation made it such that it was extremely hard to avoid having in your line of vision whilst driving.*

## THE ADVERTISER'S RESPONSE

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

*The campaign in question is deployed in three format sizes, all operating in the Gold Coast region through Surfside Buslines. The three displays each depict a similar theme, colour*

*scheme and use the same female model in different poses. The client is “Gold Coast Laser Specialists”, a local small business whose target clientele are young women who are uncomfortable with their decision to be heavily tattooed and seek laser tattoo removal services. The laser tattoo removal device used by GCLS is branded Picosure, but this is not the name of the advertising client booking this campaign. The signage sizes involved in this campaign are:*

*1 X Full Back Display*

*1 x Showcase (Driver Side) Display*

*1 x Fully Wrapped Bus*

*In defence of the complaint Go Transit would like to address the following inaccuracies in the complainant’s submission.*

*The model depicted is not wearing underwear as stated. The model in the image is wearing 2 piece swim wear, which is commonly worn and relevant to the local Gold Coast audience. The incorrect submission that the model is wearing underwear unfairly biases the argument in favour of sexualisation.*

*The model is not wearing heavy make up as stated. Whilst some eyeshadow and lipstick is seen, this would be typical of any female model used in large format advertising. The incorrect submission that the model is wearing heavy make-up also unfairly biases the argument in favour of sexualisation.*

*The artwork depicts a model lounging in swimwear, which is not generally deemed to be “sexually loaded” or “offensive to married men” in mainstream Australia as suggested by the complainant. In fact, by arguing that such behaviour is offense, the complainant is potentially doing more to offend women generally, who have the right to wear swimwear in public without being labelled as sexually provocative.*

*The complainant’s suggestion that the content was “totally un-necessary in marketing the product” is plainly misguided. In marketing tattoo removal services to young women, it’s both reasonable and fair to expect the imagery to involve a young woman whose body is heavily tattooed, and who’s tattooed skin is plainly obvious. Young women are publically exposed in this way when wearing swimwear at the beach and for this reason, a young, swimwear clad, heavily tattooed woman was chosen as the subject matter.*

*The size, frequency and invasiveness of the advertising formats are of no consequence to the complainant’s argument, as those are not matters for the ASB, rather a local bylaw.*

*In summary, it is Go Transits position that the artwork in this campaign is in line with community expectations, and is not in breach of Section 2 of the AANA Advertising Code of Ethics, in that it does not:*

*Discriminate or vilify any person or persons,*

*Is not exploitative or degrading to women,*

*It is non-violent,*

*It does not involve Sex, Sexuality or Nudity,*

*It does not involve crude language,*

*It poses no threat to Health or Safety*

*For these reasons, Go Transit believes this advertising campaign is compliant and this complaint should 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 depicts a sexualised image of a woman and is not appropriate for outdoor display.

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

The Board 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 that this advertisement appears on the side of buses in the Gold Coast and features three images of a tattooed woman wearing a bikini:

1. A woman seated sideways on a chair with her head resting on her right hand
2. A woman lying on her back with her knees bent, her right arm resting behind her head and her face to the camera
3. A woman lying on her back with her head to the front of the image, her face tilted to look at the camera

The Board noted versions 1 and 2 of the advertisement. The Board noted that the woman is wearing a bikini and considered that the style of the bikini was not inappropriately sexualised and that in these two images the bikini did cover her private areas. The Board noted the poses of the woman and considered that these poses are not sexualised but are designed to show off the extensive tattoos the woman has on her torso and arms.

The Board then noted version 3 of the advertisement. The Board noted that the image covers

the side entrance to the bus and that this entrance has a black door frame which is clearly visible against the backdrop of the image of the woman. The Board noted that the frame of the door covers the woman's lower torso and crotch and considered that the viewer's eye is being drawn to this part of the woman's body. The Board noted that passengers waiting to board the bus would have a close up view of a woman's crotch highlighted by a door frame and considered that some members of the community would find this level of nudity to be inappropriate. The Board noted that there is a dark area at the woman's crotch and a minority of the Board considered that it was not clear if the woman was wearing bikini bottoms or not. The minority of the Board noted that the woman's left hand appears to be resting between her thighs and considered that this image is more sexualised than the images in versions 1 and 2 of the advertisement. A minority of the Board considered overall that version 3 of the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

Following considerable discussion, however, the majority of the Board noted that the woman is wearing a full bikini in images 1 and 2 and considered that whilst the level of detail of the bikini bottoms in image 3 is not clear in the Board's view most members of the community would not consider the image to be suggesting that it is the woman's pubic hair on display. The Board noted that the focus of the advertisement is tattoo removal and considered that whilst the woman is exposing a lot of skin she is also covered in tattoos and is therefore relevant to the advertised service. The Board noted that the advertisement appears on public transport and considered that the level of nudity in all of the images is not inappropriate in the context of an advertisement appearing in the Gold Coast region.

The majority of the Board acknowledged that some members of the community would prefer that women were not used to advertise in this manner but considered that the advertisement was not overtly sexualised or inappropriate for a broad audience which would include children.

The Board noted the advertiser's response that the image of a model in a bikini is not inconsistent with the attire worn by many residents and visitors to the Gold Coast area. The Board considered this as a factor in its assessment of the relevant audience of the advertisement.

Overall the Board considered that in the context of an advertisement for tattoo removal, the depiction of a heavily tattooed woman in a bikini was not inappropriate and the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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 complaint.

