

<b>COMPLAINT NUMBER</b>	21/207
<b>ADVERTISER</b>	Blinds to Go
<b>ADVERTISEMENT</b>	Blinds to Go - Out of Home
<b>DATE OF MEETING</b>	22 June 2021
<b>OUTCOME</b>	Settled – advertisement changed

### **Summary of the Complaints Board Decision**

The Complaints Board ruled to settle a complaint about an advertisement which was on a Blinds to Go van.

The Complaints Board said the advertisement was exploitative and socially irresponsible. This is because it used sexual imagery to sell what appeared to be an unrelated product, in a way that was not appropriate to the audience and medium.

The Complaints Board acknowledged the prompt action taken by the Advertiser to change the advertisement soon after the complaint was received, by removing the lower half of the image which was of concern.

The majority of the Complaints Board ruled the changes made to the advertisement were sufficient to Settle the complaint.

### **Advertisement**

The Blinds to Go advertisement was on a Blinds to Go van. It showed a head to mid-thigh image of a woman wearing lingerie, in a sexy pose, to promote the sale of blinds. The text on the van said “blinds to go. factory direct, made to measure. Total Window Covering Specialists.”

### **Summary of the Complaint**

The Complainant was concerned the advertisement was a sexualised image that appeared to be using objectification of a woman, in order to sell or promote a completely unrelated product.

### **Issues Raised:**

- Social Responsibility
- Decency and Offensiveness

### **Summary of the Advertiser’s Response**

The Advertiser said the advertisement had been changed, after receiving the complaint. A photo of the amended advertisement was provided. The new version of the advertisement only showed the top half of the woman’s body. The Advertiser said there were blinds in the background of the image, and this conveyed the message that when the blinds are down, whatever happens indoors is not visible from outside.

### **Relevant ASA Codes of Practice**

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

## Advertising Standards Code

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

### Guidelines

- Sexual imagery or language must be appropriate to the audience and medium.
- Sexual depictions of people or groups of people may only be used to advertise relevant products and services.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 13/045, which was Upheld and 19/100 which was Not Upheld.

The full versions of these decisions can be found by contacting the ASA or on the ASA website: <https://www.asa.co.nz/decisions/>

**Decision 13/045** concerned a website advertisement for Carls Jr BBQ Burger which featured two women in bikini-type tops and cropped shorts competing against each other at the “Memphis BBQ Cookoff”. The majority of the Complaints Board said the advertisement included a number of gratuitous close-up shots of the women and their bodies and said that despite a level of humour intended with such hyperbolic stereotypes, it did not consider this mitigated the use of sexual appeal to sell an unrelated product.

**Decision 19/100** concerned a billboard advertisement for Macdonald Halligan Motors which said, in large font: “OUR CARS ARE WORTH CLOSER INSPECTION”. To the right of this text was a photo of a woman standing in front of a red sports car. The woman was wearing a sleeveless black dress which shows some cleavage. She was holding the hem of her dress with her right hand and looking down at the viewer.

A majority of the Complaints Board said while the content of the advertisement was outdated it did not reach the threshold to be considered indecent, exploitative or degrading, and was not likely to cause harm or serious or widespread offence. A minority of the Complaints Board disagreed. The minority said the advertisement is “in poor taste” and it is no longer acceptable to use images of sexually attractive women to sell cars. The minority said there is no relationship between used cars and women and this advertisement serves to objectify women.

### Complaints Board Discussion

The Chair noted that the Complaints Board’s role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and

- The context, medium, audience and the product or service being advertised, which in this case is:
  - Context: Selling blinds
  - Medium: An advertisement on a van
  - Audience: Unrestricted
  - Product: Blinds

The Complaints Board said the medium, the side of a van, is of key relevance in considering this complaint. This advertisement was displayed in public, available for all to see.

The Complaints Board acknowledged the prompt action taken by the Advertiser to modify the advertisement soon after the complaint was received.

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was a woman wearing lingerie is posing in a sexy way, to promote the sale of blinds.

#### *Was the advertisement exploitative or socially irresponsible?*

The Complaints Board said the advertisement was exploitative and socially irresponsible. This is because it used sexual imagery to sell what appeared to be an unrelated product, in a way that was not appropriate to the audience and medium.

The Complaints Board noted the comment from the Advertiser that there was a connection between the product and the imagery used in the advertisement, because “whatever you do in a room is not visible from outside with the blinds on”. The Board said this proposed connection was not the likely consumer takeout of the advertisement. This is because the blinds depicted in the advertisement are very much in the background of the image, they are all pulled down, and there is no reference to this interpretation in the text of the advertisement.

The Complaints Board said the advertisement had not been prepared with the requisite sense of social responsibility and ruled the advertisement was in breach of Principle 1 and Rule 1(c) of the Advertising Standards Code.

#### *Is the complaint Settled?*

A majority of the Complaints Board said the complaint was Settled. The majority took into account the Advertiser’s action in changing the advertisement in response to the complaint. The Board noted the new version of the advertisement only showed the top half of the woman’s body and the majority said the change to the image was sufficient for the complaint to be settled. In light of this self-regulatory action taken by the Advertiser, the majority said the complaint was Settled.

A minority disagreed. The minority said the changed version of the advertisement was still using sexual imagery in a way that was not appropriate to the audience and medium. This was due to the pose taken, the sexualised expression on the woman’s face and the appearance that she is wearing her bra, or similar clothing.

#### **Outcome**

In accordance with the majority, the Complaints Board ruled the complaint was **Settled**.

Advertisement has been changed.

#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.

## APPENDICES

1. Complaint
  2. Response from Advertiser
- 

### Appendix 1

#### COMPLAINT

I have attached a copy of the advertising, which consists of a printed skin on the side of a commercial vehicle. I believe that this material breaches section 1c of the Code; it's a sexualised image that appears to be using objectification of a woman in order to sell or promote a completely unrelated product. That is, it falls under the 2nd guideline associated with section 1c: Advertisements must not exploit, degrade, denigrate, demean or objectify any person or group of people or any products, services, objects or places. I would have made a formal complaint on the company website but the url provided on the side of the van doesn't actually link to anything. Thank you for considering this complaint; I look forward to hearing your decision.

### Appendix 2

#### RESPONSE FROM ADVERTISER'S REPRESENTATIVE

Thanks for your email below. I have contacted the client and please kindly note that part of the advertisement has been removed as attached. He was not aware of that as the advertisement was simply about the blinds. Its showing that, whatever you do in a room is not visible from outside with the blinds on.

Since this is removed I don't think it should be a problem now.