



Case Report

1	Case Number	0381/14
2	Advertiser	Hougoumont Hotel
3	Product	Bars/Clubs
4	Type of Advertisement / media	Billboard
5	Date of Determination	24/09/2014
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

The image on the billboard includes a woman's body and in the place of her head is a "tall ship." Behind the ship is a splattered amount of yellow paint. Behind the woman is an old style ball and chain with a white shadow around it. The text on the billboard reads: "Room for you and your ball and chain."

Hougoumont Hotel Fremantle.

THE COMPLAINT

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

The ad objectifies women. The woman, for one, has only part of her body showing, her face unimportant and covered by a ship (no doubt an artistic attempt at relating to Fremantle). She is literally imprisoned to the label of "ball and chain" by having a ball and chain attached to her in the picture. It encourages men (I'm guessing) to go to the Hougoumont with their female partner, referred to as their "ball and chain"- which I consider a highly offensive reference to give to a partner in a relationship of equality. It suggests that a woman is an annoying weight a man has to drag around. The add implies that only now a woman has the right- but only as an object, a "ball and chain", and only through the movement of her male partner who drags her around- to be allowed in the public sphere of the Hougoumont

hotel. If this is not taken down, I will create a petition because I- and most people, I am sure- very much dislike what the ad says about relationships and women.

THE ADVERTISER'S RESPONSE

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

In response to the complaint received by your office, we submit the attached document prepared by our advertising agency, Jam Jar (previously Fiix). The advertisement was chosen primarily because of its abstract relationship with the Hougoumont name and Bannister Street, Fremantle. The advert artwork is post-modern and requires the viewer to consider and break down the various elements of the image. Similar post-modern art is located throughout the Hotel and draws relationships with various historical elements of the Hougoumont as Fremantle's relatively unknown last convict ship, Bannister Street as the location of 3 infamous war time brothels, and Fremantle as Perth's premier cultural hub.

We contend that the complainant has misinterpreted the artwork or has failed to see the alternative perspective's that can be drawn from the image. Depending on the individual's inclination and understating of historical Fremantle, the ball & chain may just as easily be seen to symbolize the male (and in reality is a far closer link to the predominately male convicts that arrived on the Hougoumont).

The Hougoumont name is relatively unknown and both the name and image require the viewer to stop and consider their meaning. This complexity is part of our branding objective. To interpret the art as objectifying women would imply that the individual has not stopped to consider the name and image in it's entirety. As complicated as the name is to remember and the image is to interpret, once understood it is hopefully thought provoking and hard to forget!

Response

The complaint refers to a static billboard located on Stirling Highway, North Fremantle for Hougoumont Hotel, designed by The Jam Jar Advertising Agency in consultation with our client, The Hougoumont Hotel. Please note, we have provided the final and public artwork as printed and displayed on the billboard for your viewing.

The complainant takes the position the billboard is in breach of two elements of Section 2 of the AANA Code of Ethics, specifically

- *2.1 (Discrimination or Vilification Gender)*

and

- *2.2 (Objectification Exploitative and degrading – women)*

We appreciate the opportunity respond to these claims.

Introduction

The billboard refers to a mixture of literal, symbolic and metaphorical images. The images draw from historically accurate facts surrounding

- *The inspiration for the naming of the Hotel, and*
- *Information drawn from knowledge of the area at the time of the Hougoumont ships' arrival.*

The billboard is therefore considered to be a cultural text as well as an advertising platform. The meanings injected and interwoven into the text and imagery are designed to allow those who understand to draw a deeper and intelligent connection with the smartness of how the text, imagery and business are layered and link together.

For those who do not possess this knowledge, the billboard is a playful text poking fun at culturally dysfunctional stereotypes about how people who are in relationships may refer to each other. These two points, and the associated knowledge will be further explained in this response.

Relevant Factual Background Information

Please find below factual information regarding the Hotel and the associated location of the hotel.

Hougoumont Hotel, Fremantle

- *The Hougoumont Hotel is a located in Bannister St, Fremantle, Western Australia.*
- *The Hotel was named after the Hougoumont 3 mast tall ship.*

Hougoumont Ship

- *The Hougoumont ship was constructed in 1852, in Burma, and was named after Chateau d'Hougoumont where the Battle of Waterloo was fought.*
- *A 3 mast ship, it provided safe passage to soldiers, emigrants and convicts across the seas.*
- *It was the last convict ship to transport convicts to Australia.*

Bannister St, Fremantle

- *In 1840, Bannister St Fremantle was an area known for pubs, brothels and a funeral parlour.*
- *The relevant behaviour of people who frequented the area at the time is they were renowned for contracting and paying children to wait in line outside a brothel while they drank in the adjacent pub(s).*

Correct information regarding the artwork and wording of billboard

The correct wording on the billboard is:

Body Copy: "ROOM FOR YOU AND YOUR BALL AND CHAIN"

Footer: "HOUGOUMONT HOTEL, FREMANTLE"

The correct imagery on the billboard is:

1. *One image of a 3 mast tall ship.*
2. *One image showing yellow blob of paint.*
3. *One black and white image showing an old style ball and chain with a white shadow around it.*
4. *One black and white image of a white female body. The body is clothed wearing clothing that covers her hips, but shows her shoulders, back and also legs.*
5. *Black background.*
6. *Black and white jagged imagery.*

The placement of the imagery on the billboard is:

1. *The 3 mast tall ship is placed on the shoulders of the female, obscuring the head.*
2. *The yellow blob of paint is at the back/behind the ship.*
3. *The ball and chain is floating free, and not attached to anything. It is not attached to the female in any way.*

4. *The female body is facing right, away from the ball and chain, and toward the right hand side of the billboard.*
5. *Black background covers the complete billboard.*
6. *Black and white jagged imagery, which is part of the Hougoumont Hotel's brand and secondary visual language is shown twice on the billboard:*
 - a. *A narrow stripe on the very left of the billboard.*
 - b. *A smaller rectangular insert, above the body copy, coming from the top down into the billboard.*

Background information to creation of billboard

The thinking behind the creation billboard is to bring together the twin facts of:

- *Historical knowledge of the ship and it's purpose/last journey, and*
- *The history of street.*

The imagery and words chosen are designed to make intelligent references to these facts, intended as Intertextual References.

Such references work whereby full and maximum comprehension is based on viewer knowledge of the previous, and original text. In this instance, the original textual knowledge is the history of the ship and the history of the street.

Historical and Cultural Knowledge

The fact the Hougoumont was the last ship to carry convicts to Australia provides a fruitful area for meanings to draw upon from a creative point of view.

These facts allow for literal, symbolic and metaphorical concepts to be explored, and used. Meanings are then mobilized and associated with the brand, in this case, The Hougoumont Hotel.

Information drawn on to inform our thinking is:

- *3 mast ship*

Literal demonstration of the Hougoumont ship.

- *Ball and Chain*

Criminals at that time were predominately male.

- *Brothels*

At that time, it was mostly sailors who paid for services at such businesses.

Thinking and reasoning behind choice of words and imagery

Imagery:

- *Inclusion of Ball and Chain*

A multi layered reference with a literal and metaphorical meaning.

Literal: A twin reference to the historical purpose of the ship which transported convicts and the passengers on the ship who were male. Given it was a convict ship, it is determined that at some stage the convicts would have experienced having a ball and chain tied to them.

Metaphorical: An intertextual reference associating the fact that most people who experienced a ball and chain were male, along with a playful colloquial reference to how some people may refer to their partner.

- *Ship on head*

A multi-layered creative reference that metaphorically conveys the disembodied experience of women who worked in brothels at the time.

The placement of the 3 mast ship over where a head would, to a reasonable person, is intended to convey those women who worked in brothels could be viewed as a body only, not as a complete person.

The fact that there is potential for cultural push-back when viewing this image, as expressed by a feeling of unease at looking the image, demonstrates the very disconnect the billboard is trying to convey – that people ought to be treated as people, and not objectified.

- *Absence of a male body from imagery*

There is an intentional disconnect between the language of the billboard which states and the fact that there is only one body shown.

Wording:

- o *“you and your” is creates the space in the billboard for “you” the viewer, and “your” is the readers’ real or imagined companion/partner.*

Imagery:

- o *There is a gap between what is written and what is shown. Only one female is shown, whereas the text clearly allows for space for two.*

The billboard asks the viewer to make two links:

o link “you and your” as implying there are 2, with the fact that there is only one actual body shown. The viewer is asked to consider the fact that the shown image of a ball and chain is the “your” of the text.

o the historical fact that those who typically experience wearing a ball and chain were male.

It is in this way that the text symbolically represents the presence of a male.

Thinking and reasoning behind choice of words and imagery

Wording:

· The word “room” in the phrase “Room for you and your ball and chain”.

A double meaning intended at once to be:

o A word to demonstrate, early in the ad, this is an ad for a Hotel

o When considered in context of the phrase, it refers to the size of the rooms at the Hougoumont.

· Body copy use of language “you and your”.

The use of the word “you” as first in the phrase allows all viewers of the billboard to believe the text is in the first instance, talking to them.

The use of the word “your” as the second word in the phrase immediately places the second person at a distance from the text, and viewers experience.

This is a conscious strategy whereby the meaning of the text has been kept purposefully open, to allow the text to be interpretable by anyone who reads it, of either sex.

From a psychological standpoint, viewers project themselves into the text, at once personalizing the message as if it were talking to them. This allows the text to mobilise viewer emotions, morals and value judgments enabling such emotions to be associated with the product/brand, in this instance, the Hougoumont Hotel.

· Body copy use of words “Hougoumont Hotel Fremantle.

This is the literal name of hotel, and suburb location.

Summary of Intended meaning

The intention surrounding the meaning of the Hougoumont billboard is to bring together a variety of meanings where:

- *The viewer makes connections with the symbolic use of imagery and the factual nature of the 3 mast ship, and also the specific street location.*

Meaning was purposefully left open to allow space where those who don't have the depth of knowledge based on history, can draw a more playful, and (importantly) non-literal meaning connecting the concepts of 'room' with the fact that the Hougoumont is a hotel, along with the subversive use of the phrase 'ball and chain'.

The preferred reading of the text from a viewer standpoint is from a female voice/point of view. This determination of a preferred position/viewer standpoint is encouraged in the viewers mind by linking the words with the imagery – a process the viewer is encouraged to engage in.

More specifically, this position is arrived at because:

- *Any representation of a male body is absent from the text, instead being symbolically represented by the ball and chain imagery. This logic is established by previous knowledge where convicts, who wore a ball and chain, were typically male.*

This literal and symbolic thinking is linked to the body copy and moved forward by

- *The use of the word "You".*

- *Which is underpinned by an assumed preference and predominance of heterosexuality in society.*

- *The "you" of the ad, is then asked to bring "your ball and chain", which textually via imagery has been established as being male, and culturally has been assumed to be made due to the predominance and default cultural assumptions of heterosexuality.*

Furthermore, the clear and distinct lack or absence of traditional/widely used styles of Retail messaging on the billboard is another visual clue to the viewer that this is a text that requires additional thought to deconstruct.

Formal Response to Reasons for Concern as raised by Claimant

We reject the claim that the ad objectifies women. As demonstrated above, the text is rich in cultural meanings. When time is taken to engage with the billboard allowing the preferred meaning is determined (by linking the imagery and the body copy) the ad in fact from a female voice. This is demonstrated by the use of the word "You" positioning "your" as Other; in the context of the billboard is has been established that the "Other" is in fact male, as demonstrated by the point that those who were on the ship, and being exposed to having to wear a ball and chain, we males.

We respectfully suggest the complainant has not fully understood the billboard, and it is this misunderstanding and misinterpretation that has led to the complaint being lodged.

The points raised by the complainant pertaining to how the ship covers the female head have

been shown to have a historically and cultural significant basis, and meaning. Our role as a creative agency has been to demonstrate the fact symbolically. Our chosen imagery and subsequent placement of such imagery has been shown to be a demonstration of the proposed disembodied experience women who worked in brothels may have had at that time.

The complainants' belief is that the 'ball and chain' reference is intended to encourage men to visit the Hougoumont and further convey inequality in what is assumed by the complainant to be a heterosexual relationship. Further and more detailed textual analysis has shown the image to have accurate historical meaning. It has been established that the "ball and chain" reference actually refers to men, who were the typical receivers of the wearing experience at the time. Ball and chain the context of the billboard does not refer to a female in any way. We respectfully suggest that if such a meaning is arrived at, it is because of deficiencies in viewer knowledge and comprehension both with the text, and also the historically accurate nature of the imagery and the experiences at the time

It is respectfully our position that the complainant has taken a superficial interpretation to the text, and in doing so has got the meaning 180 degrees wrong.

We understand how such interpretations may have occurred, but respectfully posit the complainant has projected their personal ideologies of the world into the text, and has not taken the time to engage with the text, deconstructing it and in doing so benefit from the rich and multi-layered historically and culturally accurate facts that billboard draws on.

We understand some of the historical references in the billboard are not immediately evident, but it is our hope that this billboard, as well as advertising in general, is a stimulus for learning.

As a result of the complainants' personal projection of meaning into the text we believe the meanings layered into the billboard have in fact been decontextualized. It could be said that the billboard was the trigger for this person to bring to mind their inherent bias', of which the billboard had no role in creating or cannot be held responsible for. Similarly, it has been demonstrated the billboard is not engaged in repeating any attitudes that convey outdated expectations surrounding gender or sex inequality.

It is our position that it would be a very brazen business to make degrading references, claims and associations along the lines of sex or gender when due consideration is given to in the advances made along the lines of sex and gender. This is not the position of either the Hougoumont Hotel or The Jam Jar advertising agency.

As we end our response we would like to highlight that such meanings around being proud of the uniquely local flavour of the meanings of both the street, and the ship, are carried through the Hougoumont Hotel property itself, and as such form an integral part of its heritage, brand position, and unique proposition we take to market.

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 objectifies women by showing only part of her body and is offensive in its labelling of women as a "ball and chain." 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 the advertisement features a black background with text on the left of the billboard that reads: "Room for you and your ball and chain – Hougoumont Hotel Fremantle. On the right, there is an image of a woman's body with a ship (the Hougoumont) in place of her head and an old convict style ball and chain placed behind her.

The Board considered the detailed response from the advertiser that explained the creative idea behind the billboard and the origins of the Hotel and the arrival of convicts into Fremantle.

The Board noted the image of the ball and chain and the use of the text "room for you and your ball and chain." The Board noted that the reference to a wife or partner as a ball and chain is a colloquial term that can suggest that the female partner may drag a man down or hold him back in some way.

The Board considered that although the creative idea may have a different interpretation, overall the message to the broad community that is being delivered in the advertisement is a negative one and is purposefully categorising women as the ball and chain and not men. In this way, the Board determined that the advertisement did amount to a depiction that discriminates or vilifies a section of the community on account of gender and breached section 2.1 of the Code.

The Board then 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 AANA Practice Note which defines both exploitative and degrading as follows: '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 considered that while some members of the community would find the use of women in the manner presented in this advertisement as sexualised and inappropriate, because she is presented as just a body without a head or face.

A minority of the Board considered that the advertisement did present the woman in an objectifying way by showing only her body.

The majority of the Board however, considered that the advertisement presents the woman in an artistic way and that the inclusion of the ship was intended to draw an association with the name of the Hotel and the name of the ship that arrived in Fremantle. The Board considered that even without knowledge of the historical background of the ship, the artwork was a creative interpretation that most members of the community would consider unusual rather than objectifying.

The Board determined that the advertisement did not amount to a depiction that employed sexual appeal in a manner which is exploitative and degrading and did not breach Section 2.2 of the Code.

Finding that the advertisement did breach section 2.1 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I have given it some thought and we don't agree with the committee's comments. Fremantle has a world heritage listed convict prison and most people coming to Fremantle would know that. The double entendre is pretty clear and if indeed your interpretation is taken (by the majority), it would be seen (by the majority) as having tongue in cheek overtones. The main subject is still, in our view, the relationship to the history of Fremantle and the Hougoumont ship. Nevertheless, it is hardly a subject worth fighting over or spending additional time on, so we will take the billboard down.