



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0145/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Supre Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/05/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Brunette girl wearing a pair of jeggings and beige high heeled shoes and no top. She is standing with her thumbs hooked in to the pockets of the jeggings and her long hair is covering her breasts. To the right of her there are 3 close up images of the features of the product. The text at the bottom reads, "It's all about Jeggings. [supre.com.au](http://supre.com.au)."

### THE COMPLAINT

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

*I object to this advertisement portraying the girl in a gratuitously sexual fashion by leaving her topless. Supre is a store which markets to young teens and women and as a mother of a young teenage girl I was angered to find this image shoved in our faces as we waited at traffic lights behind the 136 bus. Would it really damage the brand to put a top on her?! I had to sit behind this ad in peak hour traffic following a Sydney Bus found it very offensive and never allow my children to encounter soft porn.*

*This advertisement is on the border of soft porn and I would not allow my teenage daughter to dress in such a way.*

*I do not think that it is appropriate to have young women topless in advertising that is so prevalent. I had to explain to my 6 and 8 year old girls why the young woman "on the back of the bus" didn't have a top on as they were thinking that they don't see young women walking*

*around the streets like this. I object to this sort of ad in such a public domain. If I purchase a women's fashion magazine then I may expect to see such an ad and I can chose to ensure that my children do not see it but it is a different story when we are driving in traffic and I cannot as a parent control what they view. This is the sort of ad that annoys mothers of young girls and I will forward my thoughts to commentators such as Danielle Miller (Butterfly Effects). If young women don't walk around the streets topless then why have a topless woman on a bus ad?*

*I believe that the portrayal of the young woman topless on the back of a bus is in breach of Section 2 of the AANA in its portrayal of nudity. This degree of nudity in such a public place is inappropriate as it is demeaning to women and blatantly profers nude images in the view of children. As a parent I am not able to prevent my child from viewing nude images if they are displayed in such a public way. I believe it is right that I should have the ability to moderate the material my children view as they mature and not at midday simply because we have stopped behind a bus in traffic.*

*I object to the sexual nature of the advertisement in particular the showing of breasts in the public sphere.*

*Supre clothes are generally worn by teenage girls and I believe that teenagers shouldn't be sexualised in the manner that the advertisement promoted.*

*As a bus advertisement it may be distracting to drivers in particular male drivers even though Supre is targeted at women.*

*Also I would like to be informed if the topless model was under 18 when the image was taken as that would make matters more concerning.*

*This image is directed at young teenagers but the teenager is only half dressed. It is not an appropriate image to be protraying to our young teenagers (males or females) as appropriate behaviour.*

*This is offensive because it degrades and objectifies women. The pose is very sexualised and is not appropriate to be displayed publicly.*

*In an era where human and sex trafficking is one of the greatest export businesses in our world a half naked woman where you can see the outline of her breasts as well in full view is saying it is ok to look at a woman not fully clothed. They say in advertising "sex sells" well tell that to the young girls and women who are trafficked even here in Australia and around the world. I support the A21 campaign which is Abolition of Injustice in the 21st Century and I hear of first hand stories of girls who have been sex trafficked. We need to stand up to saying this is not ok to "sell" women as sex symbols. What message are we affirming if we don't do something about it? This advertisement is not okay.*

*As a young woman myself I felt degraded by this overtly sexual advertisement. I had three young children with me the first time I saw the ad (in a shopping mall window) and had to point the other way to prevent them from seeing it too. I feel that it comes dangerously close to soft porn and do not feel like it is fair for people to be confronted with images like that. When driving today I was once again confronted with a blown up version of the same picture and was again very upset by having this sort of advertising in my face. If people want to see these kinds of images they can get magazines but it is incredibly unfair for the average citizen and children to be exposed to such sexual offensive degrading and explicit material. In addition to this I feel that such advertising is hardly benefiting our country and the individuals within it.*

## **THE ADVERTISER'S RESPONSE**

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

*In response to this complaint SUPRE feels that although a sexy image it does not breach any form of discrimination or vilification towards women.  
The campaign is targeted at 18 - 35 year old women with a focus on the jeggings.*

## **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 image of the model wearing only jeggings and shoes is inappropriate and over- sexualized, and inappropriate for viewing by children (particularly young girls – 8 – 14 years).

The Board reviewed the advertisement and noted the advertiser’s response that the ad is intended to highlight the new season jeggings (jeans with a denim look and legging feel). The model is not wearing a top to draw attention to the jeggings.

The Board noted that this image has some similarities to a number of recent fashion advertisements which depict topless women in advertisements for jeans. In particular the Board noted Bardot 0069/11. In that case the Board considered that

‘while some members of the community may find this advertisement to be inappropriate, the images of model posing wearing the product was relevant to the product.’

The Board considered that while the ad does depict some nakedness, the nudity does not expose any private areas at all. The Board noted that the model’s breasts are not visible and her pose is only mildly sexually suggestive.

Although available to a broad audience, the Board determined that the advertisement was not sexualised, did not contain inappropriate nudity and did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.’

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board considered that the image of a woman posing only in jeggings, in the context of an advertisement for a particular fashion item, was not objectification of women. The woman is depicted wearing the product and she is not depicted in a demeaning manner. The Board

considered that the advertisement is clearly directing the audience (women) to examine the advertised product and that the woman is not just included as an object. The Board considered that the image of the woman does not depict the woman as an object and did not discriminate against or vilify women.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code 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 it has recently considered this image in a number of media (0133/11 Mail), (0152/11 Poster), (0156/11 Internet).

The Board considered that although the same image is depicted in the advertisements, the media in which the advertisement appears affects the audience which views the advertisement and therefore affects the Board’s decision on whether or not the advertisement treats the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board considered that it is reasonable for an advertiser to feature a particular product in its advertising and that the depiction of a woman (or man) without a top is not of itself a depiction of nudity or sex that would breach the Code. In the current advertisement, although not wearing a top, the woman’s breasts are covered by her hair.

The Board noted that the image is a large image on buses and is therefore able and likely to be seen by a very broad audience including children. The Board noted that in this context the image is very large and is not shown in the context of other fashion items.

The Board considered that this image of a young woman with no top and a significant part of her breasts exposed is sexualised.

The Board noted the advertiser’s response that the advertisement is targeted to women at 18-35 year old women. The Board strongly disagreed and noted that the Supre brand is attractive to and very popular with teenage and pre-teen girls and that this advertisement would be attractive to that age group.

The Board considered that, in the context of an advertisement for a product which is very attractive to young girls, this image of a young woman with no top and breasts partially exposed does not treat sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience, that the advertisement breached section 2.3 of the Code and upheld the complaints.

## **ADVERTISER RESPONSE TO DETERMINATION**

All SUPRE posters in stores were taken down on Monday 30th May 2011 and the Bus Campaign ceased on 9th May 2011