



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0003/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Rivers (Aust) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>19/01/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</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

Black and white image of a young female squatting down with her arms stretched down to the ground and crossed so that her groin is covered. She is wearing lace top stockings and her long hair is hanging down her front and covering her chest.

The text, "Get excited" is written above her and the rest of the wording is describing the clothing offers available in Rivers.

This image appears on the cover of the Summer 2011 Catalogue 1.

### THE COMPLAINT

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

*Picture of young girl as described is representing 'excitement' rather than the actual clothing the advertiser wants to sell.*

*The image is totally irrelevant to the products advertised within the brochure which incidentally are totally unexciting!!*

*The offending advertisement was wrapped with the local paper (The Advertiser) I received.*

*The photo on the cover of the booklet is highly suggestive with a woman crouched in a sexually suggestive position and the title "Get Excited" reveals the sexual intent of the advertisement and its double meaning. I am personally offended by this suggestive and pornographic portrayal of a woman. I am also concerned for children seeing this photo and*

*its sexual depiction and suggestiveness. What is of additional offense is that the booklet is advertising children's clothing so it would undoubtedly be seen by children! The magazine cover looks more like a pornographic magazine than a booklet selling men's women's and children's clothing. It is totally unnecessary and reveals poor moral standards and judgment on behalf of the Rivers Clothing company.*

*The overall intention of the ad is sexual titillation because of the heading "Get Excited" and the photo of the girl in a provocative pose who appears to be naked except for the sexy black stockings. My objections to this are that a) the girl looks very young i.e. 13-15 years old. You cannot see much of her face but what you can see is clearly the face of a very young girl and her body is girl-like and not womanly; and b) there is no relationship between the sexy titillation of the ad and the product being advertised which is a sale of very ordinary and boring clothing and shoes. So not only is the ad a pathetic attempt to use sex to sell dull products but more importantly it is pedophilic in nature. I could not believe it when I saw this soft porn image of a child. No doubt Rivers will say that the model was 16 or more but the intention of sexualising a young girl to this extent is perverse.*

*This is the second catalogue issued by Rivers in recent months to use the same tag line 'Get Excited' using a sexually suggestive image unconnected with the products offered for sale. I found this image to be personally confronting and extremely offensive.*

*This company markets to men, woman and children. There are girls and boys t-shirts and polo's advertised in this catalogue. Thus we can assume that young girls and boys across Australia have been bombarded with this totally misplaced and inappropriate image and message.*

- 1. None of the products the woman is wearing on the front cover are depicted within the catalogue or are available at the store - the image is misleading.*
- 2. The products within the catalogue are described in headings that are directly in line with the woman's groin area thereby forcing the reader to view this area.*
- 3. The image is more akin to an advertisement for 'adult services' establishments not a clothing store that purports to provide clothing for children and adults. Again the image is misleading.*
- 4. The image is derogatory and offensive in its objectifying of women.*

## **THE ADVERTISER'S RESPONSE**

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

*Rivers (Australia) had no intent to offend anyone with the cover of our catalogue #1-2011. However, we have no control over the way people perceive images. There is nothing in the image that allows the viewer to accurately determine the model's age – any assumptions made that she very young are purely speculation.*

*We do not believe the image is pornographic in nature, nor do we believe it more suited to the cover of a men's magazine. Again, any suggestion that she is not clothed underneath her hair are purely assumptions made by the viewer.*

*It is worth noting that this was a single use catalogue which is no longer in circulation (save for any copies that have been kept by individuals).*

## **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 complainants' concerns that the advertisement is an image of girl, seemingly described 'excitement' rather than the actual clothing being sold and that the image is irrelevant to the products advertised within the brochure.

The Board also noted the complainants' concerns that the photo on the cover of the booklet is highly provocative and sexually suggestive. The image is offensive, derogatory and objectifying of women.

The Board reviewed the advertisement and noted the advertiser’s response that it was not their intention to offend anyone and that they do not believe the image is pornographic in nature.

The Board 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 the advertisement features a woman facing the front and crouching down, who appears to only be wearing black stockings and shoes. Her long hair is covering her torso and her arms are crossed at the wrists.

The Board noted that whilst some members of the community may find this image to be inappropriate, in the Board’s view the image is mild and relatively discrete. The Board considered that the reference to excitement did bring a degree of sexual suggestion to the image but was still relatively mild.

The Board considered that the advertisement was not overtly sexualised. The Board noted that the advertisement is featured on a clothes catalogue and is able to be seen by children, but considered that overall the advertisement is not sexually explicit, graphic or inappropriate.

The Board determined 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.

The Board then considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people 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 determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their sex. The Board determined that the advertisement did not breach section 2.1 of the Code.

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