



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0005/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Sly Underwear</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>09/03/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

A tattooed man wearing underpants with a hand gun print, and holding a chain apparently connected to a collar around the neck of each of two underwear-clad women.

### THE COMPLAINT

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

*I firstly object to and feel offended by the way the advertisement depicts a man treating women as slaves/animals/sexual objects. Secondly I object to the use of such a demeaning depiction of women to sell a product especially one which is implied to be stylish/fashionable. Thirdly in the above context the printed handgun on the male's underpants implies potential violent threat to the females.*

*I believe it is unacceptable to depict females in such a demeaning manner. I think it is particularly unacceptable to use such depictions to imply that the behaviour depicted is somehow desirable/fashionable/stylish.*

### THE ADVERTISER'S RESPONSE

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

- *this image was produced specifically for our demographically targeted and appropriate retailers, of which they received the image as part of a "POS cube" only*
- *this, or any, of the sly underwear imagery was not meant for reproduction in any form without our express written consent*
- *the image in question was complained about after a stockist in TAS ran the ad in local papers without first notifying us*
- *we are in our own private discussions with them regarding the reproduction of our imagery*
- *the image does not get used in the public eye outside of the stores that is demographically appropriate for.*
- *the general population of TAS is far more reserved and sheltered to this form of imagery than our target population, and hence the complaint made by a TAS newspaper reader should not affect the instore imagery of our demographically appropriate stores around the country.*

## **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 is demeaning to women and suggests violence towards women.

The Board reviewed the advertisement and noted the advertiser's response.

The Board 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 noted that the advertisement features an image of a tattooed man wearing only a pair of red shorts-style briefs and holding a chain which appears to be attached to the necks of two women on the floor. The Board noted that the women are wearing black underwear.

The Board noted the complainant's concerns that the man appears to be treating the women as slaves. The Board considered the positioning of the women at the feet of the man, and the use of chains, reduced the women to objects and was demeaning. The Board considered that in this instance the advertisement did breach 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 shall not

present or portray violence unless it is justifiable in the context of the product or service advertised.”

The Board noted that there is an image of a gun on the man’s shorts. The Board considered that this image, along with the apparent use of chains of the women, suggested a level of violence towards the women. The Board considered that this suggestion of violence was not justifiable in the context of the product being advertised.

The Board determined that the advertisement did depict or condone violence and was in breach of Section 2.2 of the Code.

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 this advertisement is for underwear and that the man and the women are all wearing underwear of some description. The Board also noted that the image was depicted in a newspaper which would have a general audience – although is not attractive to children.

Although the poses of the models are not strongly sexualised the Board considered that the level of sexual innuendo accompanied by suggestion of violence resulted in images that are inappropriately sexualised for the broad audience that would be able to view the advertisement.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience.

Finding that the advertisement breached Sections 2.1, 2.2 and 2.3 of the Code, the Board upheld the complaint.

The Board noted that the decision to uphold the complaint related to the use of these images in a newspaper.

## **ADVERTISER RESPONSE TO DETERMINATION**

In line with our phone conversation, this image will not be reproduced in any advertising media – it will be limited to the demographically appropriate stores for which the image was intended.

