



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0035/18
2	Advertiser	Threebyone
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	21/02/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Objectification Exploitative and degrading - women

DESCRIPTION OF THE ADVERTISEMENT

A poster Advertisement of two women walking along a beach from behind with no clothes on.

An image of someone unzipping their jeans at the front of the store.

THE COMPLAINT

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

Women are depicted in a manner - for sex only. This is highly visible for anyone walking by, including children and as a societal norm. Seriously demeaning on the role of women in society. How they get away with it, that is up to you and says it all.

THE ADVERTISER'S RESPONSE

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



It was shot and produced by a South African artist in 2017 and was image to promote the opening of our Denim store called 'Service Denim'.

We have now removed the entry window decal and covered up the bottoms.

THE DETERMINATION

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement is depicting women in an objectifying manner.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code.

The Panel noted that the complaint was received before 1 March 2018 and therefore the complaint was considered under the version of Section 2.2 of the Code which states: “Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people.”

The Panel noted that in order to breach this Section of the Code the advertisement would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Panel considered the print advertisement featured two separate posters. The first featured an image of two naked women from behind walking along a beach. The second image featured a close-up image of half-zipped jeans.

The Panel noted the complainant’s concern that the images were implying that women are only for sex and that these images are demeaning for the role of women in society.



The Panel considered that in the first poster the women looked like they were going skinny dipping.

The Panel considered that the image was artistic and highly stylised and not overly sexualised.

The Panel considered that the women were shown in natural poses and were not seen to be posed in a manner which was degrading.

The Panel considered that the first poster did not purposefully debase or lower in character the quality of the women.

The Panel then considered the second poster under Section 2.2 of the Code. The panel considered that in this image it is unclear whether the jeans were being zipped up or down.

The Panel considered in the context of a denim store, showing someone doing up or undoing their jeans was not sexualised.

The Panel considered that the second image did not contain sexual appeal and did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainant's concern that the images were too sexualised to be seen by children walking past the store.

The Poard noted that both images were on large windows on the outside of the store and therefore the relevant audience would include children walking past the store.

The Panel considered the first poster and noted it did contain nudity, although the women's breasts and pubic areas were not visible.

The Panel considered they had previously considered a similar ad for Lush Australia in case 0361/15, in which:

"The Board noted that the advertisement was in the store window and in the aisles of the shopping centre which means it can be viewed by a broad audience including children. The Board considered that the level of nakedness in the current advertisement exceeded that shown in both cases mentioned above. The full body images and the fact that there are four women rather than an individual meant that



the overall impact was increased and was confronting. The Board considered that the advertisement does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children and determined that the advertisement did breach Section 2.4 of the Code.”

A minority of the Panel considered that similar to the Lush Australia advertisement the current poster featured a level of nudity that was not appropriate for a broad audience that would include children.

The majority of the Panel however considered that this poster image was artistic and highly stylised and that the advertisement was not overly sexualised.

The majority of the Panel considered that unlike the Lush Australia advertisement the current poster did not have close up full-body images of four women, in this poster the women are shown at the beach in the distance.

The majority of the Panel considered that the artistic tone of the poster and the lack of sexualisation meant the level of sex, sexuality and nudity in the poster was not inappropriate for the relevant audience which would include children.

The Panel considered the second poster image. The panel considered that in the context of a denim store, showing someone doing up or undoing their jeans was not sexualised. The Panel considered that there was no nudity in the poster.

The Panel considered that the second advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel determined that the advertisement did not breach Section 2.4 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

