



## Case Report

1	Case Number	0075/12
2	Advertiser	Mossimo
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	14/03/2012
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.2 - Objectification Exploitative and degrading - men
- 2.2 - Objectification Exploitative and degrading - women

### DESCRIPTION OF THE ADVERTISEMENT

Window display with the words "Peep show" and "take a peek inside" accompanied by images of men and women in lingerie. In one image the woman is pulling at the man's underpants so that they are coming away from his waist.

### THE COMPLAINT

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

*The imagery and messages in this campaign are perpetuating an acceptance of what is really inappropriate behaviour. It is also really socially insensitive as it is encouraging an activity similar to sexting which among young teens has as we have seen reported in mainstream media created very real legal, social, emotional and psychological problems for today's youth. Even with all of this aside these are concepts children should not have to see at a shopping centre.*

*In the shopping centre setting up a display that mimics the adult sex industry is offensive and inappropriate for children to see. To encourage people to peep at women in their underwear is not appropriate and can be against the law.*

*We should not be using adult sex industry themes in children's view is not appropriate.*

*This whole advertising idea is offensive, insulting to women and sending dangerous messages to children and males that peeping at people (mostly women) is ok. It is not!*

*These windows are in plain view of children and provide complete approval of something that is illegal. It takes away the choice I get to make as a parent regarding the view my children should be allowed to make but it also made me feel the complete objectification of women. On the one hand I am being encouraged as a parent to protect my children from this sort of thing on the internet and provide strict parenting controls to protect and value my children but in a shopping centre they are being confront with something that not only provides a distorted perception for women but ok's doing this in secret. This is entirely unacceptable material for display to the general public.*

## **THE ADVERTISER'S RESPONSE**

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

*Mossimo is a cheeky, irreverent and light-hearted brand! In the same vein, the Mossimo Peepshow Facebook campaign is a cheeky, irreverent, light-hearted and slightly controversial promotion that is consistent with Mossimo Underwear's brand positioning. Like any brand, Mossimo is continuously focused on developing better and more effective ways to talk to and engage its core customers, in this case 16 – 30 year olds. There is plenty of research that demonstrates that social media avenues like Facebook and Twitter have well and truly replaced traditional forms of advertising as the most popular and frequent means of communicating within this demographic.*

*Mossimo believes that the Mossimo Peepshow Facebook app represents the best way to talk to its target audience in a language and a medium with which they are both familiar and use regularly. In this respect, the company believes that is no different to underwear advertisements in catalogues, print or other media channels, which are employed by other brands to 'talk' to their customers. Indeed you could argue that the annual Victoria's Secret Parade which airs on Channel 10 despite being rated PG is far more risqué.*

*People use Facebook to post and publically share photos of themselves all the time. It is one of the most popular functions on Facebook. The Mossimo Peepshow Facebook promotion is not inviting people – and particularly the audience at which it is targeted - to do anything they do not already do on Facebook. The only difference is that the Mossimo Peepshow Facebook app allows to people to put a template frame around each picture.*

*The terms and conditions of the Mossimo Peepshow Facebook promotion clearly state that entries cannot be obscene, illegal or in bad taste that Mossimo has the right to pull any entries that contravene these provisions.*

*Mossimo is satisfied that the Mossimo Peepshow Facebook promotion does not invite or encourage any one to do anything illegal. The promotion does not encourage people to spy on others without their knowledge or consent. Rather it enables people to voluntarily post images of themselves on Mossimo's Facebook page. Pursuant to the terms and conditions, any entries featuring images of people engaging in inappropriate, obscene or illegal behaviour will automatically be removed from the Mossimo Facebook page.*

*Mossimo does not support any activity or behaviour that constitutes sexual discrimination or undermines the rights of women. Mossimo firmly believes that one of the greatest advances of feminism is that has it has given women choice - whether it's the choice to dress the way they*

*want, whether or not to have children, to vote, to work and to have access to the same opportunities as men.*

*Far from being sexist or derogatory to women, the Mossimo Peepshow Facebook promotion allows people of both sexes who feel confident and comfortable doing so, to post a picture of themselves on the Mossimo Facebook page. In doing so they also have the choice of making their submission as sexy or as funny as they choose provided that it is compliant with the terms and conditions of entry.*

*Entry into the promotion is open to everyone - men and women.*

*As with any advertising campaign, Mossimo does not expect that the promotion will find favour with everyone in the community. However, the company respects the right of people to have their own opinion.*

*As you may be aware the campaign has been targeted by the group 'Collective Shout' and they have actively been complaining to our Shopping Centre Management, Media and to yourselves. The shopping centres did not agree with the complaints and therefore did not ask us to remove our windows. We have however moved to our new seasons launch and therefore our underwear window has now concluded.*

## **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 this advertisement is inappropriate as it uses a theme 'peep show' which is linked with adult sex themes including nudity and pornography, is inappropriate as it encourages young people to upload photos of themselves to a website similar to sexting, encourages 'peeping' and voyeurism, and objectifies women.

The Board first considered 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 ... gender..."

The Board noted that the images in the shop front are images of men and women playing around in lingerie. The Board noted the text provided with the images which refers to 'Peep show', 'strip 25% off underwear', 'visit us on facebook to see more' and 'post your own pics to win'. The Board considered that although the references to 'Peep show and 'stripping' were mildly sexually suggestive, in the Board's view the models are modeling the advertised product and are presented in a manner which is playful and not overtly sexualised. The Board expressed some concern about one image which showed a woman pulling at the side of the man's underwear but considered overall that the images were playful in tone rather than sexualised. The Board noted the 'peep' show themeing and styling of the material but considered that the women and men were not objectified as they were presented in a playful manner wearing the advertised product and were not discriminated against or vilified. The Board considered that the material did not breach section 2.1 of the Code.

The Board 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.”

In line with the consideration of section 2.1, the Board considered that the images of the men and women did employ sexual appeal of young men and women to model the advertised product, but did not do so in a manner that is exploitative and degrading of either men or women and did not breach section 2.2 of the Code.

The Board 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 Board again considered that the images of the women and men are not overly sexualised – rather are a playful depiction of models in the advertised product. The Board also considered that the reference to peep show was unlikely to be understood by younger children and the reference to stripping was clearly linked with stripping the price of the advertised products. In the Board’s view the images were mildly sexually suggestive but not inappropriate for general viewing in a shopping centre and did not breach section 2.4 of the Code.

The Board then considered section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted concerns that the advertisement encourages young people to load inappropriate photos to the advertiser’s facebook page.

The Board considered that the advertisement was intended to be an interactive way of engaging the target audience which is identified by the advertiser as 16-30 year olds.

The Board considered that there is significant social concern around appropriate online behaviour and considerable resources are directed to teaching children and young adults about appropriate behaviour in social media. The Board noted the Australian Communications Media Authority’s Cybersmart website which provides resources to schools, students and children about safe use of social media. The Board noted that this includes specific information about uploading and tagging photos, particularly those that are provocative or posted by people under the age of 18.

The Board noted that the advertiser’s stated terms and conditions explicitly state that entries cannot be obscene, illegal or in bad taste but that such terms and conditions do not appear on the posters.

The Board considered that an advertisement encouraging people to upload photos of themselves is not of itself problematic. However the Board considered that the context of this campaign is sexualised – with the ‘Peep show’ theme and the advertising of lingerie. The

Board considered that some members of the public would consider the advertisement to be encouraging people – including young teenagers - to upload photos of themselves similar to those in the advertisement – ie: in their underwear and that some people would in fact take that action.

The Board noted it has previously upheld complaints about a website which, in the Board's view, suggested that 'sexting' was legitimate. In particular in American Apparel (0141/10) the Board had stated:

'The Board considered that the overall impression of the images was suggestive of images taken in a person's home and is suggestive of 'sexting' - the practice of, in particular, young people sending explicit photographs of themselves via mobile phones. The Board noted that sexting is an issue of concern in Australian society. The Board considered that the woman appears young and that the issue of sexting is of particular concern where it concerns young men and women and older children. The Board considered that the images of 'Liz' on the website were sexualised and suggestive of 'sexting'. The Board considered that these images were not appropriate considering that the target audience of the advertisement is likely to include young men and women - the same audience considered to be 'at risk' with regards to the issue of 'sexting'. The Board determined that these images did not treat sexuality and nudity with sensitivity to the relevant audience and that the images breached section 2.3 of the Code.'

While accepting the Advertiser's commitment to refusing to publish inappropriate photos, the Board considered it possible that younger people would see the current advertisement as condoning or at least giving some legitimacy to the behaviour of uploading images of themselves in underwear and that this is a message that the community views as unacceptable.

The Board considered that this advertisement depicted material contrary to prevailing community standards on online behaviour and safety and was in breach of section 2.6 of the Code.

Finding that the advertisement breached Section 2.6 of the Code the Board upheld the complaints.

## **ADVERTISER RESPONSE TO DETERMINATION**

16 March 2012: The Mossimo 'Peep Show' campaign has concluded and therefore all elements have been shut down. The peep show facebook application will be disabled this afternoon.

