



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0141/10</b>
<b>2</b>	<b>Advertiser</b>	<b>American Apparel Inc</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/04/2010</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

This internet advertisement appears on the advertiser's own website. The particular image are a slideshow described as 'Liz, American Apparel Melbourne Retail Employee'. The slide show of images include images of the young woman wearing a number of advertised products in zebra stripe pattern, a red top and a yellow top. The woman is photographed in a bedroom scene. In one image her entire breast is exposed. In other images she is lying on a bed, sitting on a bed and standing with her back to the camera.

### THE COMPLAINT

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

*A slideshow of an employee modelling AA fashion in voyeuristic / low grade pornographic poses on a bed highly suggestive not only of a sexual nature. Could pass as amateur pornography. Show from below which emphasises the sexual power of the viewer over the model and in doing so exploits the viewer's gaze regardless of age or gender over the model.*

*I find American Apparel's advertisements highly disturbing and questionable considering that they are a dominant brand in Sydney's fashion scene I am shocked that there is no regulation on their website. I am totally offended by the ad not least concerned for the younger viewers accessing the site.*

### THE ADVERTISER'S RESPONSE

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

*The Advertiser declined to provide a response.*

## **THE DETERMINATION**

The Advertising Standards Board ('the Board') was required to determine whether the material before it was in breach of the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that these particular images on the website are highly suggestive and sexualised.

The Board considered whether the advertisement was consistent with section 2.3 of the Code. Section 2.3 requires that advertisements 'shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.'

The Board noted that the relevant audience for this material are people attracted to the product who visit the website. The Board considered that the target audience is young men and women who are the target market for the apparel sold by the advertiser.

The Board viewed the images on the website and noted that the advertiser had not submitted a response to the complaint.

The Board noted that fashion magazines will often use sexualised images in advertising. The Board considered that these images differed from such advertising in a number of ways. The Board considered that the woman was depicted in a 'setting that was intended to look domestic' and that this included images on an unmade bed. 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. Finding that the advertisement breached section 2.3 of the Code the Board upheld the complaint.

## **ADVERTISER RESPONSE TO DETERMINATION**

The Advertiser advised that the material is no longer on the Australian (.au) website.