



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0149/18
2	Advertiser	Billabong International Limited
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a photograph of three women wearing swimwear bottoms and rashie tops. They are carrying their surfboards and walking away from the camera.

THE COMPLAINT

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

*I was walking to go into the plaza and on my left at the far side entry is a massive photo advert with three girls that are exposing almost their entire bottom cheeks
They appear to be minors*

*I was shocked at the pornography and went inside and spoke to the woman in
Destination surf*

She was sarcastic and said it's the same that you see at the beach

I said , as a mother, it's pornographic, and there are children here

*The picture is not used in there media for the website. It is the size of the shop, and if
they thought it was decent, it would be on the website*

It's every description of pornographic



*I asked her if those girls know they are up on her wall??
I've never seen youth wear those anywhere at anytime and I have a 22 year old and a
twenty seven year old
It breeches the codes you have for social media (it's in the public outside) and
advertisement it offends me*

*It exploits young girls and it attracts attention from pedophiles
It makes me wonder if the owner is a pedophiles*

THE ADVERTISER'S RESPONSE

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

Advertisement

The poster advertisement that is subject of the Complaint is part of a range of Billabong brand advertisements for Destination Surf, an approved retailer of Billabong products, installed at the Premises between August and September 2015 (Advertisement). The Complaint is made under section 2.4 of the AANA Code for Advertising and Marketing Communications to Children (the Children's Code) and under section 2 of the AANA Code of Ethics (Code).

Complaint

Billabong is disappointed to have received the Complaint. In particular, the Complaint makes references to the Advertisement being pornographic, attracting the attention of pedophiles and suggests that the owners of the store may be pedophiles.

The Complaint is groundless and vexatious. The Advertisement embraces the essence of local surf community that Billabong and its sponsored athletes are an integral part of. The Advertisement does not deviate from what an audience witnesses during a surf event.

Billabong is a well-known and highly regarded international surf brand that prides itself on its representation of young people in its marketing campaigns. We endeavor to portray our athletes, models and advocates in a dignified and respectful manner.

Featured Models

The Complaint states that the featured models "appear to be minors". We confirm that the models appearing in the Advertisement are current and former sponsored athletes of Billabong, Ellie Jean Coffey, Isabella Nichols and Felicity Palmateer, who at



the time the photograph was taken were aged 20, 17 and 22 respectively.

As per the relevant sponsorship agreements, Billabong is entitled to use its sponsored athlete's image, likeness and person in any manner it wishes during or after the sponsorship term, including on advertisements, promotional material and marketing material.

Prevailing Community Standards

We consider that the Advertisement is appropriate and in line with Billabong's brand values. The Advertisement is appropriate for and reflective of our target market and was not intended to offend the general public. We do not consider that the Advertisement is in contravention of prevailing community standards. This is not an advertisement that should alarm the Advertising Standards Board (Board).

Conclusion

We consider that the Advertisement complies with the Code and respectfully request that the Complaint be dismissed. As requested by the Board, we have considered whether other matters under section 2 of the Code apply. The Advertisement does not breach any other matters covered in that section.

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code") or the AANA Wagering Advertising and Marketing Communication Code (Wagering Code).

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

The Panel noted the advertisement depicts three women wearing swimwear bottoms and rash tops. They are carrying surfboards and walking away from the camera.

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 models in the advertisement appear to be minors, and therefore showing their buttocks amounts to child pornography.

The Panel noted the advertiser's response that the women pictured in the advertisement were aged 20, 17 and 22 at the time the picture was taken. The Panel also noted that the three women are current and former sponsored athletes of the



advertiser.

The Panel considered the Practice Note for the Code which states:

“Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product.”

The Panel noted that the women are wearing rash shirts and bikini bottoms, and there is no inappropriate nudity or exposed parts of their bodies. The Panel considered that the image was depicting three active, independent young women who were heading to the beach wearing the advertiser’s product.

The Panel noted that the product being advertised is swimwear, and considered that the level of nudity in the advertisement was only mild and was relevant to the product.

The Panel considered the advertiser’s response that the advertisement does not deviate from what an audience witnesses during a surf event.

The Panel noted that the relevant audience for the outdoor advertisement would include children. The Panel considered that the pose of the women was not sexualised and was not sexually suggestive. The Panel considered that the image is not alluding to sexualized images of children.

The Panel considered that most members of the community would not find the advertisement inappropriate and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it 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.

