



## Case Report

1	Case Number	0152/11
2	Advertiser	Supre Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	25/05/2011
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity - Sexualization of Children
- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

Brunette girl wearing a pair of jeggings and beige high heeled shoes and no top. She is standing with her thumbs hooked in to the pockets of the jeggings and her long hair is covering her breasts. To the right of her there are 3 close up images of the features of the product. The text at the bottom reads, "It's all about Jeggings. [supre.com.au](http://supre.com.au)."

### THE COMPLAINT

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

*I do not believe that this advertisement treats nudity with sensitivity to the relevant audience (section 2.3 of the ethics code). The poster was visible from outside the shop meaning that men women and children could easily see this naked woman. With only hair over her breasts and not completely covering them this picture immediately invokes the idea of pornography. I do not know if the woman is a real model or computer image but she looks about 15 years old - hence child pornography. I do not believe that such nudity should be forced upon the community. I do not want to see it I do not want any man to see it and I certainly would not want children to see it. The community should at least be given a choice if they want to see or want their children to see a picture of a half naked woman and therefore should not be displayed in a shop whose target audience is under 18 and especially in a location that is visible without entering the shop.*

## **THE ADVERTISER'S RESPONSE**

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

*In response to this complaint SUPRE feels that although a sexy image it does not breach any form of discrimination or vilification towards women.*

*The campaign is targeted at 18 - 35 year old women with a focus on the jeggings.*

## **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 image of the model wearing only jeggings and shoes is inappropriate and over- sexualized, and inappropriate for viewing by children (particularly young girls – 8 – 14 years) and that the youth of the model means that the advertisement is child pornography.

The Board reviewed the advertisement and noted the advertiser's response that the ad is intended to highlight the new season jeggings (jeans with a denim look and legging feel). The model is not wearing a top to draw attention to the jeggings and is targeted at women 18-35.

The Board noted that this image has some similarities to a number of recent fashion advertisements which depict topless women in advertisements for jeans. In particular the Board noted Bardot 0069/11. In that case the Board considered that

‘while some members of the community may find this advertisement to be inappropriate, the images of model posing wearing the product was relevant to the product.

The Board considered that while the ad does depict some nakedness, the nudity does not expose any private areas at all. The Board noted that the model's breasts are not visible and her pose is only mildly sexually suggestive.

Although available to a broad audience, the Board determined that the advertisement was not sexualised, did not contain inappropriate nudity and did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.’

The Board first considered whether the advertisement complied with section 2.1 of the Code which requires that 'advertisements shall not portray 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 considered that the image of a woman posing only in jeggings, in the context of an advertisement for a particular fashion item, was not objectification of women. The woman is depicted wearing the product and she is not depicted in a demeaning manner. The Board considered that the advertisement is clearly directing the audience (women) to examine the advertised product and that the woman is not just included as an object. The Board considered that the image of the woman does not depict the woman as an object and did not discriminate against or vilify women.

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 it has recently considered this image in a number of media (0133/11 Mail), (0145/11 Transport), (0156/11 Internet).

The Board considered that although the same image is depicted in the advertisements, the media in which the advertisement appears affects the audience which views the advertisement and therefore affects the Board's decision on whether or not the advertisement treats the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board considered that it is reasonable for an advertiser to feature a particular product in its advertising and that the depiction of a woman (or man) without a top is not of itself a depiction of nudity or sex that would breach the Code. In the current advertisement, although not wearing a top, the woman's breasts are covered by her hair.

The Board noted that the image is an image that is in a slightly different context to the other images in that the image of the young woman is accompanied by three close up images of various parts of the jeggings. The Board noted that the image is on posters at the Supre stores but is placed in store windows and therefore available for viewing to a broad audience.

The Board considered that this image of a young woman with no top and a significant part of her breasts exposed is sexualised.

The Board noted the advertiser's response that the advertisement is targeted to women at 18-35 year old women. The Board strongly disagreed and noted that the Supre brand is attractive to and very popular with teenage and pre-teen girls and that this advertisement would be attractive to that age group.

The Minority of the Board considered that, this advertisement would be seen in a fashion context - by being in the store window, with a price on the poster and extra close up images of features of the jeggings - and that the sexualised image is therefore treated appropriately to the relevant audience.

However, the Majority of the Board considered that, in the context of an advertisement for a product which is very attractive to young girls, this image of a young woman with no top and breasts partially exposed does not treat sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience, that the advertisement breached section 2.3 of the Code and upheld the complaints.

### **ADVERTISER RESPONSE TO DETERMINATION**

All SUPRE posters in stores were taken down on Monday 30th May 2011 and the Bus Campaign ceased on 9th May 2011