



Case Report

1	Case Number	0216/16
2	Advertiser	Lonsdale London
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	25/05/2016
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a billboard. A man and woman are pictured lying down and looking outwards, both without tops, wearing track suit pants. The woman is lying on top of the man and her arm, which is lying across his chest, also partly covers her breasts.

THE COMPLAINT

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

Sexually suggestive photo of a bare naked woman on top of a man. I don't believe that sex needs to be used to sell the product, especially in such a public area. It's also quite distracting on the particular area where people are driving through.

The ad is in a prominent position on the bend of a busy road and a very large billboard. I imagine this to be a distracting image for drivers. I was travelling with my two young children and I don't think that such sexually provocative imagery is appropriate in the public domain for children. It's also in a traffic hotspot and in a space where there is no control over what time the image is on view.

THE ADVERTISER'S RESPONSE

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

The advertisement is a billboard (located at our head office/warehouse) for Lonsdale. Specifically it is for our new tracksuit pant range, and is called "Its your fit" (referring to the different fit types we are offering in tracksuit pants)

Response to Section 2 questions:

a. Discrimination or vilification

I can't accept that there is any discrimination or vilification being portrayed in this picture. Whilst both models are clearly white, we've used models of all hues in the past, and in fact our most recent model before this campaign was of mixed Asian/European ancestry.

b. Exploitative and Degrading

This image shows a man and a woman wearing the same type and amount of clothing in a relaxed and confident pose. There is nothing suggesting a power imbalance or anything in any way demeaning or degrading towards either model.

c. Violence

There is no violence portrayed.

d. Sex, sexuality and nudity

Whilst neither of them are wearing tops, the photo is carefully staged to avoid showing any nipples. The whole point of the campaign is to focus on our tracksuit pants which is the item of clothing that both models are wearing. As a business Lonsdale is famous primarily for its tops and t-shirts. In fact we sell 5 to 6 times as many tops than bottoms. The best way to make sure potential consumers realize we are promoting bottoms is not to show any tops. And our track pants sales have increased dramatically with this campaign. We are a label that promotes a fit, active lifestyle and we don't apologise for using models that suit that image. As for the image itself, it has been quite common in fashion photography over the last several years for women to appear topless, with their nipples covered by strategic placement of limbs or props.

e. Language

There is no language other than the slogan "Its your fit" and the branding for Lonsdale

f. Health and Safety

The photo shoot was conducted by a professional photographer in a safe environment.

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 the advertisement is sexually provocative and inappropriate for viewing by children.

The Board viewed the advertisement and noted the advertiser's response.

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."

The Board noted that the advertisement is a billboard and features a man and woman wearing tracksuit pants, with no tops.

The Board noted that the practice note for Section 2.2 provides: "Not all images of people who are scantily clad will be unacceptable under this section. This section restricts the use of such images only if they are exploitative and degrading."

The Board noted in the advertisement the models are lying down with their bodies positioned toward each other, with the woman's arm draped across the man's bare chest. The Board noted that there is a significant portion of the woman's breast visible, however, the Board considered that the positioning of the woman's arm across the man's chest does mean that she is not fully exposing her breast and/or nipple.

The Board noted that the man and the woman are wearing the advertised products, track suit pants, and although they have no tops on, the woman's breasts are partially covered. The Board considered that using partly dressed models in an advertisement for clothes is not debasing nor degrading of itself and that in this advertisement the models, a couple posing together, are conveyed as relaxed, with a strong and positive gaze toward the viewer. The Board noted that the presentation of the models in this way did not employ sexual appeal in a manner which was exploitative or degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 noted that the inclusion of nudity does not of itself amount to sexualisation. However in this advertisement the Board considered that the image of the semi-clad couple, lying down with the female draped over the man with their naked chests together, and the positioning of the woman's arm across the man, with a focus on the curve of her breast and her back, did convey a strong element of sexualisation in the image. This is in contrast to a recent determination of the Board, Case 0155/16, where the Board determined that partly clad models on a poster were acceptable:

"The Board noted that the one model's breasts are not visible and her pose as well as that of the other models is not sexually suggestive."

The Board noted that the placement of the advertisement on a billboard meant that the relevant audience was very broad and would include children.

The Board considered that the sexualised nature of the image and the impactful nature of the large billboard together meant that the advertisement did not treat the issue of sex, sexuality

and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I understand your request. However I can't believe that with a single complaint (that you have notified us of) you have undertaken this process. I don't agree with your conclusion and I will not change the billboard.

We have consulted widely with people of all ages and found nobody who has an issue with the image. I don't doubt that you could find a few more people out there who dislike the image, but I doubt its representative of today's community standards.