



Case Report

1	Case Number	0243/17
2	Advertiser	Roger David Stores Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	07/06/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This online advertisement for Roger David is a catalogue advertising suits available for hire and features images of men in suits and women wearing dresses. In some images the man is alone, in others he is taking photos of a woman lying on a bed wearing a black dress. There is an image of the same woman lying with her head resting on the man's lap, and another photo showing a woman wearing a white dress adjusting the man's tie.

THE COMPLAINT

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

I clicked on the link for School Formals on the Roger David website and it took me to a catalogue. Some of the pictures were completely inappropriate, such as a young man in a suit taking photos of a young woman on a bed wearing very little in seductive poses. Plus a picture of a young woman with her head on his lap. Is this supposed to indicate that this will happen to my son in one of their suits?? I found this offensive.

THE ADVERTISER'S RESPONSE

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

Firstly we would like to apologise for any offence taken with regard to our Suit Hire catalogue. This was produced approximately 5 years ago and at no point in time have we had any complaints related to the material nor did we in any way wish to portray anything offensive.

Both of the models at the time were in their mid 20s and the intention of the catalogue was to portray a young (mid 20's) couple enjoying each others company prior to or after an event, wedding etc. The male model is wearing a number of suits available from our suit hire range and the female model is wearing 2 different "Party Dresses" that were purchased from the Womens brand Forever 21. These dresses were very much "ontrend" at the time of shooting. Forever 21 has a target market of females aged 18-26. There are numerous images throughout the catalogue showing the couple relaxing in a private setting before/after the event whilst wearing the aforementioned attire.

Upon reviewing our catalogue we dont feel we have discriminated against anyone, used exploitive sexual material or portrayed violence. We have not used nudity nor do we feel there are any breaches of health and saftey.

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 advertisement included images that were offensive and provocative and inappropriate.

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

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 noted the advertisement is an online catalogue that appears under the tabs for hiring suits and the catalogue appears the same under the school formals tab as well as weddings. The images include the man on his own, as well as the man and woman together. There are images that include the man standing over the woman on a bed. He is using a polaroid camera to photograph her. Other images include the woman lying with her head on the man's lap and holding his arm.

The Board noted the complainant's concerns that the images on the bed and with the woman lying with her head in the lap of the man were inappropriate.

The Board noted the advertiser's response that the models are in their mid twenties and that the catalogue is approximately five years old.

The Board considered that the target audience for the catalogue for school formals is students

aged between 15-18 years and suggested that the advertiser consider whether the use of a generic catalogue for all purposes is appropriate.

The Board noted that the models do appear to be young adults and are fully clothed in all of the images.

The Board considered that although the images have a seductive and sultry tone, the models are of a mature age and are fully clothed. The Board noted that the models are not positioned in a way that is suggestive or suggesting sexual activity and they appear to be consenting adults enjoying time together dressing up in formal clothes in preparation for their night out.

The Board noted that the catalogue appeared online and that the likely audience viewing the catalogue were older teens and young adults and that in this medium the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

The Board 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 considered the images of the woman on the bed and noted that the man is standing over her taking her photo. The Board noted there is significant community concern regarding social media and taking photos and posting them without the knowledge of the person.

The Board noted that the woman does not appear stressed and she seems a willing participant in the photos posing with her hands through her hair and above her head. The Board noted that in these image the man is using a polaroid camera which provides an instant photo and that the woman would be able to immediately see the picture and would be aware of what the man was doing with the photos.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.