



Case Report

1	Case Number	0260/10
2	Advertiser	ZU PTY LTD
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	22/06/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.2 - Violence Other

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A woman is lying on her back on an uneven tarmac surface, her mouth is open and her top has fallen open so she has her arm across her chest to preserve her modesty. She is wearing black hotpants and black high heeled ankle boots. The hand across her chest is holding on to a large black handbag, her other hand is pulling on the hair of another woman who is pulling at the handbag. This other woman is lying face down and you can only see the back of her head and both hands.

THE COMPLAINT

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

It depicts violence against women which is a very serious social issue and should not be used to sell clothing or footwear. At first glance it looks almost like a rape scene. A woman is lying in a gutter with her top ripped open. She is only wearing underwear and her mouth is open and it appears as though she is screaming. The advertiser has obviously tried to get around the 'rape scene' depiction by having another woman's hands in the image so that image shows that the violence is being perpetrated by another woman. My position is that violence against women should not be depicted in advertising whether it's at the hands of a man or a woman. These types of advertisements normalise violence against women which is abhorrent. The demographic for viewing this image is young women from 15 - 30 yrs of age. It is vital that these women know that this type of violence against women is unacceptable.

THE ADVERTISER'S RESPONSE

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

Contrary to the complainant's view, the picture is an artistic image of two women's desire to obtain possession of the coveted ZU bag. It is not a rape scene which the complainant emotively alludes to, yet backs away from by saying "...it's almost a rape scene..." The models are not "in the gutter" as the complainant claims, they are on city steps. Staircases have no direct indication to violence, attacks or any negative emotion that a "Gutter" might conjure.

We have not "...added a female hand...to get around rape scene...". The essence of the ad is two women's desire to get a desperately wanted Zu bag- the second female is essential to the essence of the whole ad! As a result we have not tried to "get around this" as we do not believe it is, nor looks like a rape scene

The complainant claims the woman is 'only wearing underwear'. This woman is in fact wearing hot pants, which are considered a modern fashion item. These hot pants are simply a current trend in today's fashion that suits the art being created. It is typical of the style our Zu customers would wear.

The complainant goes on to mention that the woman's top is 'ripped open and her arm is covering her bear breast'. The ladies top is not ripped, her top/vest has fallen off her body and in a move to stay modest she is covering her breast. The essence of the image is to convey the lengths someone will go to get a Zu bag.

This image has been in all of our stores (26 Australia wide) and online for over 4 months. This is our first negative feedback either through twitter/face book or direct correspondence. We believe that this image is not representative of violence against women and should not be deemed so.

Our key target market is women aged 25-35 and we would not intentionally try to offend them or anyone else. The typical Zu customer is a Style leader or statement maker. Our customers are early adopters of fashion and generally not followers. Our ads are always edgy never dull. The imagery is right "on brand" and we feel clever. It's not gratuitous or out of context with our brand

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 depicted violence against women and is suggestive of rape.

The Board viewed the advertisement and considered that the image of two women fighting is not a playful fighting image – with one woman having the other by the hair.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 states:

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

A minority of Board members considered that the advertisement was a stylised depiction of women fighting and that the context of fighting over the handbag was relevant to the product and to the products available on the website on which the advertisement appeared.

Board members considered that there was not a suggestion of rape in the advertisement but noted longstanding community concern about depictions of sexualised images in a violent context.

However the majority of the Board considered that the women were portrayed in a manner that suggested they are engaged in a serious and violent fight and the woman who is the focus of the advertisement appearing to be yelling. The Board noted that this advertisement was for handbags and that the image depicts two women fighting over the bag. The Board considered that the image was disturbing and that the suggestion of violence was not relevant to the product being advertised. Finding that the advertisement was in breach of section 2.2 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

The image that was causing issues has now been removed from our homepage and will no longer appear.

This image appears in small on an internal page which will be removed by our e-commerce/design team next week. We did not believe this image would be an issue and are doing everything in our control to not repeat this issue in the future.