



# Case Report

1	Case Number	0277/16
2	Advertiser	Pretty Little Thing
3	Product	Clothing
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	13/07/2016
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

The advertisement shows a female model in various shots wearing 'pretty little thing' clothing with some close-ups of the clothing and other full length shots of the model moving in sync with the music.

## THE COMPLAINT

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

*Girls ribs visible. Clothes too sexy for age.*

## THE ADVERTISER'S RESPONSE

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

*There is no sexual content in this ad (2.4).*

*The model used has a slim build and is well proportioned to show off the industry standard sample sizes of the brand. Despite showing off her midriff in a couple of the scenes (as the outfit is designed to be worn); at no point during the advertisement you can see her "rib bones" (2.6). She is a healthy, good looking girl wearing outfits that are up-to-date and reflect current industry trends relevant to the target audience. The model is of legal age, and*

*is wearing outfits relevant to her demographic.*

*It is reasonable for an advertiser to use an attractive model to showcase the items available for purchase. There is no nudity and there are no displays of unhealthy body image. All clothing items are relevant to the target audience and are not displayed in a suggestive or sexual manner.*

*The advertisement does not feature explicit nudity or product descriptions and we believe it communicates the products with sensitivity, as per Section 2.4 of the Code of Ethics.*

## **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 depicts underweight girls wearing clothes too sexy for their age.

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 that this television advertisement features a female model posing in various outfits.

The Board noted it had previously dismissed a complaint about a similar advertisement by the same advertiser in case 0021/15 where:

“The Board noted the advertisement features a young woman dancing and moving to music. She is wearing various different styles of swimsuits and clothing. The voiceover provides information about the website and shipping conditions.

The Board noted that the advertisement is aired on Pay TV for an online shop from the UK.

The Board considered that the style of advertisement is typical of current fashion advertising with funky pop music and bold colours and patterns and that it is reasonable for an advertiser to use an attractive model to showcase the items available for purchase...

...The Board noted that the model is moving around to the music throughout the promotion and that some of her moves are sexy and sultry but she is not overtly sexualised.

The Board noted that the airing of the advertisement on Pay TV meant that the relevant audience was broad and could include children, but considered that the overall tone of the advertisement is not one that would appeal to young children and was relatively mild and unlikely to be considered sexualised by most members of the community.”

The Board noted in the current advertisement the complainant’s concern that the clothing worn by the model is sexy and this is not appropriate due to her age. The Board noted that the model is wearing heavy make-up and considered that her appearance and the manner in which she models the clothing is suggestive of a woman in her early twenties and not of a

child under the age of 18 years.

The Board noted that the advertised product is fashion clothing and considered that it was reasonable for an advertiser to promote its product being worn in the manner it is intended to be worn. The Board noted that some of the clothing worn by the model reveals her cleavage but considered that her nipples are covered and the focus is on the clothing and not specifically on her breasts. The Board noted that some of the clothing is figure hugging and considered that this is consistent with current fashion and in the Board's view the clothing is being worn in a manner to showcase current fashion trends rather than on the model's body.

The Board acknowledged that some members of the community may find the level of exposure of the woman's cleavage to be excessive but considered that in the context of clothing which is available to purchase, and is in keeping with current fashion, the level of nudity was not inappropriate.

The Board noted the complainant's concern that the model is portrayed in a sexual manner. The Board noted that the model is depicted wearing a variety of outfits and posing in different locations. The Board noted the model pouts and plays up to the camera but considered that this behaviour is in keeping with how fashion items are often advertised. Consistent with previous determinations, (0021/15, 0253/16), the Board considered that although some of the model's moves are sultry in the Board's view she is not sexualised.

The Board noted that before advertisements are aired on Free TV they are given a rating by CAD (Commercials Advice) which determines what time they can be aired. The Board noted that CAD ratings do not apply to Pay TV and noted that the advertisement was viewed at 8pm on a Monday on Lifestyle Food which is a Pay TV channel dedicated to food and cooking programs. The Board noted the ASTRA Code provides, "The Licensee must take into account the intellectual and emotional maturity of the intended audience of the channel when scheduling advertisements..." (Astra Code, Section 6.5) and considered that Lifestyle Food is a channel primarily aimed at adults. The Board considered that the content of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience of a television channel, Lifestyle Food, which is aimed at adults but even if children did see the advertisement in the Board's view the level of sexualisation was very mild and was sensitive to an audience that might include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board 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 noted the complainant's concern that the girl's ribs are visible in the advertisement.

The Board noted the advertiser's response that the model used in the advertisement is of slim build and is wearing industry standard sample sizes of their brand and considered that in the fashion industry it is common to use models that are slimmer than the average person.

The Board noted that whilst the poses of the model do accentuate her slim physique the Board considered that she does not look unhealthy, noticeably unwell or in pain. Consistent with a previous determination against a similar complaint in case 0251/15, the Board considered that the advertisement did not depict an underweight woman and did not encourage women to try and be underweight.

The Board noted that eating disorders are a very serious issue and concern, especially among young women, but considered that in this instance the advertisement did not condone or encourage eating disorders.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.