



Case Report

1	Case Number	0284/11
2	Advertiser	Roger David Stores Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	27/07/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Image of a young girl with a union flag covered disc in her mouth. She is wearing a black sparkly singlet and is forming a heart with her hands in front of her chest. Below her are four images of a young man wearing different t-shirts.

The text describes the New Love Club range now available at Roger David.

THE COMPLAINT

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

The girl looks underage, dishevelled and is inappropriately posing with something in her open mouth and her bare shoulder with slave written on it with a "barcode" as if she is somehow for sale or belongs to someone. It is offensive due to its representation of young girls as vulnerable and slaves and lacks sensitivity to the growing child exploitation and sexist depiction of girls and women. Also the ad has nothing to do with men's clothing. I would be appalled to see my daughter depicted in that way.

Rodger David is a men's wear store using an image of a young girl in a promotion. I am a parent and I am deeply affronted by the use of this kind of image to pitch at men. I have tried to be as objective as possible and I can't get away from the fact the girl in that image is a minor plain and simple. The round shape of her open mouth with hands in front is immediately exploitative in appearance. Anyone not agreeing with that interpretation ought

to ask themselves "Would I be OK if the store's target market of men viewed my 12 to 16 year old daughter or little sister etc posed this way and is this appropriate image of a child?" This is a men's wear store not children's wear and for that reason alone the ad is completely inappropriate in its choice of subject matter and imagery in relation to its target market.

THE ADVERTISER'S RESPONSE

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

The subject of the complaint is a static advertisement for the "New Love Club" menswear brand of clothing that is distributed by Roger David. The advertisement was sent via email to members of Roger David's email subscriber list (the majority of whom are men aged 18 to 30). This is the only form of publication of the advertisement by Roger David.

The complainant is concerned that the woman portrayed in this advertisement is 16 years or younger, and that she is being portrayed in an exploitative manner.

It is Roger David's view that the complaint does not fall within any of the sections of the AANA Code. However, the complainant alleges that the complaint falls within section 2.3 of the AANA Code, and therefore our response focuses on this ground.

Roger David acknowledges the complainant's concerns, but does not believe that the advertisement fails to treat sex, sexuality and nudity with sensitivity to the relevant audience in breach of section 2.3 of the AANA Code.

The advertisement in question does not portray sex, sexuality or nudity. It shows an 18 year old woman who is fully clothed with a union jack badge in her mouth, forming the shape of a heart with her hands. The union jack badge and the heart shape are references to the fact that "New Love Club" is a United Kingdom menswear clothing company. New Love Club uses a heart as one of its motifs.

The woman used in the campaign was 18 years of age at the time that the photograph of her was shot. She is a student of History, Spanish, and English, and is also a model in the United Kingdom.

New Love Club's main market in the United Kingdom is the student market. New Love Club produced the advertisement as a response to the current political issues that affect this market, being the financial crisis which has had a direct impact on this market by raising tuition fees, ensuring that many of these young people will be crippled with debt into adulthood, and the conditioning of youth for their future roles in capitalism. New Love Club produced the image of the woman as a comment on youth and the national debt that now rests on their shoulders and as an ironic patriotic comment on capitalist recruitment and identity. Roger David believes that these same issues are relevant for young people in Australia, hence the use by Roger David of this image in its Australian marketing for the New Love Club brand of clothing.

The relevant audience for this advertisement is young men. Roger David strongly believes that young men would relate to this image, and would not see it as shocking or exploitative. Roger David takes great care when developing its advertisements to comply with the AANA Code, and in Roger David's opinion, the advertisement in question does comply with the AANA Code.

We look forward to receiving the results of the Board's determination.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concern that this advertisement depicts a young girl in an exploitative manner and depicts her as an object for sale.

The Board noted the advertiser's response that the girl in the image was 18 at the time the image was taken, that the target audience for the advertisement is young men and that this audience would not see the advertisement as shocking or exploitative.

The Board considered whether the advertisement complied with section 2.3 of the Code which requires that advertising and 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 the image is part of an email advertisement sent to subscribers who wish to receive marketing material from the advertiser.

The Board viewed the advertisement. The Board noted that the girl in the image was 18 but considered that she is depicted in a way that makes her appear younger than 18. The Board noted that the girl has a relatively large object filling her mouth, has a bar code 'tattooed' on her arm which includes the word 'slave' and that the text accompanying the image is 'New Love Club'.

The Board considered that the overall impression of the part of the advertising material which depicted the girl was that of a girl presented as a sexual object – due to a combination of factors in particular the age of the girl, the text 'new love club' and the tattoo of the word 'slave' on her arm.

The Board also considered that the image of the girl could be seen to be suggestive of the girl being held against her will – with the 'slave' reference on her arm and the depiction of her with an object filling her mouth which, in the Board's view, evoked a sense of the girl being 'gagged'.

The Board considered that the advertisement inappropriately depicted a young girl in a sexualised manner and that this depiction was not a treatment of sexuality in a manner sensitive to the relevant, in this case adult male, audience. On this basis the Board determined that the advertisement breached section 2.3 of the Code.

The Board also considered whether the advertisement came within the AANA Code for Advertising and Marketing Communications to Children (the Children's Code) which applies in relation to advertising and marketing communications to children. Children are defined as

being 14 years and younger. The Board considered that there is not a significant child audience for this product or its email subscriber list and that the advertisement is not primarily directed to children. The Board therefore determined that the AANA Children's Code did not apply.

Finding that the advertisement breached section 2.3 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

I wish to advise that the advertisement has been discontinued and will not be used in any further advertising campaigns.