



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0316-21
2. Advertiser :	Nique
3. Product :	Clothing
4. Type of Advertisement/Media :	Internet
5. Date of Determination	10-Nov-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This advertisement is a product listing on a website for clothing items.
Image 1 features a woman in a green/grey jumpsuit.
Image 2 features a woman in a black jumpsuit.
Image 3 features a woman in a black shirt.

THE COMPLAINT

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

*One of the female models used in this promotion is extremely thin and I believe that using a model with an eating disorder is potentially influencing young women in a negative and unhealthy manner.
I think that projecting a body image like this is hugely inappropriate, unacceptable and unprofessional and is also exploiting the model's ill health for commercial gain.*

THE ADVERTISER'S RESPONSE

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

*I cast the model that appears on the Nique website.
I am disappointed to receive your feedback from the complainant regarding the size of the model as I take a lot of consideration and care when casting talent.*



As you can see on the Nique website and social media, it represents a broad range of shapes, sizes and diversity of talent. In the past models like Holly Rose, who is considered a "bigger size " has been used to model the collection.

I spoke to the model's agent and he was stunned that this issue was brought forward. No other clients have questioned her weight.

I take your comments seriously and will consider them going forward.

Please be aware that I do not condone the representation of eating disorders or body image.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts a very thin woman which can be detrimental to young girls and women who see this content on social media.

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

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to this section of the Code which states:

"Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices. Exposure to unrealistic body ideals can lead to harmful body dissatisfaction and disordered eating and for this reason it is not acceptable in advertising.

UNREALISTIC IDEAL BODY IMAGE: *Advertising that provides an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices, which is not justifiable in the context of the product or service being advertised, will be contrary to prevailing community standards relating to health and safety. An unrealistic ideal body image may occur where the overall theme, visuals or language used in the advertisement imply that:*

- *a body shape, or feature, of the kind depicted (e.g. very thin or very muscular) is required to use the product or service or to participate in an activity associated with the product or service;*
- *those people who do not have a body shape, or feature, of the kind depicted cannot use the product or service, or participate in a particular activity; or*
- *those people who do not have a body shape, or feature, of the kind depicted should alter their body shape, or features, before they can use the product or service, or participate in a particular activity.*



An unrealistic ideal body image may also occur where models are depicted in a way that:

- *promotes unhealthy practices*
- *presents an unrealistic body image as aspirational; or*
- *is reasonably likely to cause pressure to conform to a body shape that is unrealistic or unattainable through healthy practices (such as diet or physical activities); unless such depictions are justifiable in the context of the product or service advertised.*

BODY SIZE: The Code does not require the use of ‘healthy weight’ models as this term could exclude people in smaller or larger bodies from advertising and unnecessarily limit the portrayal of diversity in society. As such, advertisements may include a diversity of images, including people who have a variety of sizes and shapes, but advertisers should take care to avoid images of people with extreme body weights or shapes that are unrealistic or unattainable through healthy practices which are not justifiable in the context of the product or service advertised, and which are contrary to prevailing community standards relating to health and safety. While the use of people in smaller or larger bodies is itself not necessarily problematic, advertisers must ensure that models do not adopt a pose or are not depicted in a way which produces an unrealistic sense of body image, for example through the style of the advertising, the clothing, lighting, or make-up used.”

The Panel noted that the advertisement features three separate images of a person modelling clothing items. The Panel noted that the images are advertising fashion and that typically models used for such promotions are of a slim body type.

The Panel noted that the Practice Note for the Code states that advertising can include images of people who have a variety of sizes and shapes, but advertisers should take care to avoid images of people with extreme body weights that are unattainable through healthy practices.

The Panel noted that the woman may just be of a slim build and that it is not possible to tell from the images in the advertisement whether she is unhealthy. The Panel noted the woman was not depicted wearing tight-fitting or revealing clothing which would have emphasised or idealised her slimness. Rather, the Panel noted that the clothing items were of a baggier style, and the focus was on the items themselves and not the woman’s build.

Overall the Panel considered that in the images the woman looked thin but there was no indication that she was unhealthy; and that the build of the woman was not emphasised or idealised.

The Panel considered that most members of the community would not consider such images to be promoting an unhealthy body image.

Section 2.6 conclusion



The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.