



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0335-20
2. Advertiser :	Just Jeans
3. Product :	Clothing
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	11-Nov-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features an image of a reclining man dressed in a shirt and denim shorts. The post has the caption, "Build his summer wardrobe with this seasons new range of shirts and shorts."

THE COMPLAINT

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

I was incredibly disappointed to open my Facebook page and receive a targeted ad encouraging me to "build his summer wardrobe". The year is 2020 and women have better things to do than to shop for "him". Not only do I find this incredibly sexist that I was targeted for such ad, but it demeans men, insinuating that they are unable to build their own wardrobe.

THE ADVERTISER'S RESPONSE

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

Background

The Facebook post features an image of a man sitting on the floor and looking into the camera. The man is wearing a blue shirt, denim shorts and white sneakers. The



caption of the Facebook post reads “Build his summer wardrobe with this seasons new range of shirts and shorts. Shop new in mens...”. As identified by the complainant, the same image is also used in a Just Jeans Instagram post dated 8 October 2020 with the caption “Freshen up his look with new season arrivals!”. This post is available at <https://www.instagram.com/p/CGDyR5-HfdL/?igshid=63tzx9d8h5ag>.

Together, these posts constitute the Advertisement.

The post appeared as part of Just Jeans launch of the Spring-Summer collection campaign.

Response to issues raised in the complaint

We take any complaints made in relation to our advertising and promotions very seriously and remain committed to ensuring our advertising and promotions meet the highest standards.

In addition to the specific issue raised by the complainant under section 2.1 of the AANA Code of Ethics (Code), we will address the complaint by reference to the entirety of section 2 of the Code. However, for the following reasons, we will not address the complaint by reference to the:

- 1 AANA Code for Advertising and Marketing Communications to Children: The Advertisement is not directed at, or targeted to, children (defined as persons 14 years or younger) and does not come within the scope of this code.*
- 2 AANA Food and Beverages Advertising Code: The Advertisement does not come within the scope of this code as it does not relate to any food or beverage product; or*
- 3 AANA Wagering Advertising and Marketing Communications Code: This code does not apply to the Advertisement because Just Group is not a licensed wagering operator.*

For the reasons outlined below, we submit that the Advertisement does not contravene the following sections of the Code:

- 1 Section 2.2 – Exploitative or degrading: The Advertisement is not exploitative or degrading.*
- 2 Section 2.3 – Violence: The Advertisement does not contain any violent content, graphics or imagery.*
- 3 Section 2.4 – Sex, sexuality and nudity: The Advertisement is not sexually suggestive, nor does it contain nudity or references to sex.*
- 4 Section 2.5 – Language: Both the Facebook and Instagram captions for the Advertisement use language that is appropriate for the relevant audience and do not use strong or obscene language.*
- 5 Section 2.6 – Health and Safety: The Advertisement does not depict any material which could be considered contrary to Prevailing Community Standards on health and safety including in relation to body image and the use of body shapes which are unrealistic or unattainable.*
- 6 Section 2.7 – Distinguishable as advertising: The Advertisement is clearly distinguishable as advertising to the relevant audience, being Facebook and Instagram users.*



We will now address the specific issue raised by the complaint under section 2.1 of the Code in relation to discrimination and vilification on the basis of gender. This section provides:

“Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.”

For completeness, we note that the Advertisement does not contain content that discriminates against or vilifies any of the other attributes listed in section 2.1 of the Code.

The AANA Code of Ethics Practice Note provides that:

- 1 Discrimination: includes “unfair or less favourable treatment”;* and
- 2 Vilification: includes behaviour that “humiliates, intimidates, incites hatred, contempt or ridicule”.*

The complainant asserts that the Advertisement “demeans men” by “insinuating that they are unable to build their own wardrobe”. We respectfully refute this interpretation. The overall impression of the Advertisement, including the imagery and language used, does not convey a negative impression of either the man featured or men in general. On any objective and fair view, the Advertisement cannot be considered to perpetuate a negative stereotype that men are “unable” to dress themselves.

The complainant’s assertion that the Advertisement is sexist and discriminates against women by targeting women to “build his summer wardrobe” likewise cannot fairly be made. The Advertisement is intended to and does promote Just Jeans’ new Spring-Summer collection to persons, including both men and women, who want to buy clothes for other men. That would include a romantic partner (including both heterosexual and same-sex partners), friend, brother or father. In that respect, it does not differ from advertising for Mother’s Day or Father’s Day, where consumers are targeted to buy specific products for their parents.

The complainant is wrong to suggest that the Advertisement is targeted exclusively at women. The Advertisement in no way assumes that the audience is exclusively women nor is there any suggestion that a man cannot buy clothing for another man. Moreover, any presumption that persons of the same gender cannot buy clothing for one another is incongruous with prevailing community standards and is outdated. On this basis, it cannot be said that the Advertisement portrays any gender stereotypical role relating to women shopping for men’s clothing. As outlined above, the Advertisement does not suggest that this conduct is always associated with women or never carried out by another gender.

The man in the Advertisement does not receive unfair or less favourable treatment on account of his gender and there is nothing in the Advertisement which humiliates or intimidates him, or which would incite hatred, contempt or ridicule of him to constitute a breach of section 2.1 of the Code.

Conclusion



For the reasons outlined above we submit that the Advertisement does not contravene any provision of the Code, and in particular does not depict material which discriminates against or vilifies either men or women on account of gender. As recognised by the AANA Code of Ethics Practice Note, Prevailing Community Standards apply to all parts of section 2 of the Code. In this respect, the Community Panel will assess the Advertisement against an objective standard while having regard to community standards at the time of publication. On this basis, the complainant's interpretation of the Advertisement will not be determinative where that interpretation is inconsistent with Prevailing Community Standards. We submit that neither members of the target audience, nor the broader community could reasonably and objectively conclude that the Advertisement is in any way discriminatory, inappropriate or derogatory to either men or women. We submit that the complainant's assertion that the Advertisement is sexist and demeaning is without basis and the Community Panel should determine that the Advertisement does not breach the Code and the complaint should be dismissed.

THE DETERMINATION

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

The Panel noted the complainant's concerns that the advertisement is sexist in the suggestion that women should shop for men, and demeaning to men insinuating that they are unable to build their own wardrobe.

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

Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- *Discrimination - unfair or less favourable treatment*
- *Vilification - humiliates, intimidates, incites hatred, contempt or ridicule*
- *Gender - male, female or trans-gender characteristics.*

The Panel also noted that the Practice Note provides further guidance about the use of gender stereotypes:

Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. As such, advertisements may feature people undertaking gender-stereotypical roles e.g. a woman cleaning the house or a man doing DIY, or displaying gender-stereotypical characteristics e.g. a



man being assertive or a woman being sensitive to others' needs, but they should take care to avoid suggesting that stereotypical roles or characteristics are:

- *always associated with that gender;*
- *the only options available to that gender; or*
- *never carried out or displayed by another gender.*

as this may amount to discrimination on the basis of gender.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the advertiser's response that the advertisement does not perpetuate a negative stereotype that men are unable to dress themselves or suggest that clothes shopping is always associated with women.

The Panel noted that the advertisement is visible to all Facebook users, not just women, and the advertisement does not imply that it is a woman who should 'build his summer wardrobe'. The Panel noted that there is a gender stereotype of women buying clothing for their male partners, however considered that this advertisement does not suggest that only women can buy clothing for men, or that men are unable to buy clothing for themselves.

The Panel considered that the advertisement does not present either men or women in a negative light or suggest they are receiving unfair or less favourable treatment. The Panel considered that the advertisement does not reference either gender in a way which humiliates, intimidates, incites hatred, contempt or ridicule.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

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