



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0347/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Snowgum</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/09/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

12 page catalogue inserted into The Age and SMH newspaper and also letter box dropped. Inside page 3 included a brand photo from one of Snowgum's suppliers, Icebreaker, occupying 1/3 of a page, which depicts a man with a sheep's head holding a woman surrounded in ice.

### THE COMPLAINT

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

*I object to the following reasons collectively:*

- The woman and man/ram are both naked.*
- Their position is suggestive of sexual intercourse.*
- The man is part animal.*
- The image is located in a prime position in a catalogue easily accessible to children.*
- These are quality products that should not need to add a sexualised image of people and animals to sell them.*

### THE ADVERTISER'S RESPONSE

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

*Sexual intercourse is certainly not depicted in the image. It is showing the union between man, woman and the merino which is the underlying foundation of the Icebreaker brand. We and many other retailers have been using the image since April in our stores and in advertising.*

## **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 contains a sexualized image, inappropriate for viewing by children.

The Board reviewed the advertisements and noted the advertiser’s response.

The Board considered whether the advertisements were in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or 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 the advertisement features an image of a man and a woman in an embrace. The man has a human body, but the head of a merino.

The Board considered that the image of the merino-man and woman together was highly stylized and indicative of a superhero style image showing a direct connection to the man creature protecting the woman from the icy elements, and the promotion of a clothing range ‘icebreaker’ for its ability to offer thermal protection from the cold.

The Board noted that although the man and woman are naked and in an embrace, the image was not sexually suggestive and that it did not breach section 2.3 of the Code.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

