



Case Report

1	Case Number	0360/10
2	Advertiser	Diesel Clothing Australia
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	25/08/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Images of guys and girls in Diesel jeans. One shows a girl wearing jeans and a red bra. She is straddling a man who is only wearing jeans and is staring at her chest. Another is of a girl slouched on a brown leather sofa. She is only wearing jeans and has one arm raised with her hands clutching her hair and her other arm is covering her naked chest. The third image is of a man lying on a sofa with his arms raised above his head and his legs apart with one knee bent. He is just wearing jeans. The text on each advert says, "Sex sells - unfortunately we sell jeans."

THE COMPLAINT

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

Whilst not strictly a Billboard - that is the nearest category to choose from your options. Kids Free2B Kids is complaining about these images because of the adult sexualised images and text. The target market may well be for older teens or young adults – but it is displayed in the public arena and at children's eye level. Children are therefore held captive to these images and are involuntarily exposed. It is also significant that there is a kindergarten and day care centre in the street this ad features. Many of the parents at these centre's are upset by the images which they see as totally inappropriate for their children and their siblings.

The response from Diesel head office when contacted by one of the parents is typical of the industry. The response was condescending and lacked awareness and understanding about the impacts of the early sexualisation of children.

Sherri a mother of 7 and 5 yr old girls was taking the youngest to Kinder with the eldest in tow and was confronted with questions pertaining to the above slogan.

Sherri feeling that this billboard was inappropriate contacted Diesel head office to air her concern. After being handballed a couple of times she was put in contact with who they felt were the appropriate party to handle this type of issue.

Bernard from head office returned Sherrie's call saying, whilst laughing... "It should be seen as opportunity to discuss sex and sexual issues with your daughter and she should be open-minded and take it with a grain of salt. We don't want censorship in Australia."

Bernard appeared to find the whole issue both very amusing and a positive reflection on the overall campaign. He then proudly informed Sherri that ... "we're just about to start another great marketing campaign called 'that's stupid.'"

Sherri quite shocked by the lack of respect and empathy combined with Bernard's amusement and dismissive approach to her genuine concern was left speechless.

Kids Free2B Kids would like to see industry - advertisers marketers retailers etc proactively responsible about what kids are exposed to in the public arena. The images in combination with the text are not appropriate for kids viewing.

I would like to complaining about these images because of the adult sexualised images and text. The target market may well be for older teens or young adults – but it is displayed in the public arena and at children's eye level.

Children are therefore held captive to these images and are involuntarily exposed. It is also significant that there is a kindergarten and day care centre in the street this ad features. Many of the parents at these centres are upset by the images which they see as totally inappropriate for their children and their siblings.

This campaign shows a complete lack of awareness and understanding about the impacts of the early sexualisation of children

THE ADVERTISER'S RESPONSE

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

It is an International campaign focusing on Diesels latest denim range, the sex sells slogan is highlighting the worlds obsession with overly provocative imagery using the commonly coined phrase "sex sells". Diesel is portraying that we sell jeans , and thats it. The shots are not explicit.

Diesel has a long and famous advertising history of being cheeky, fun , colourful and irreverent.

The campaign has been well received throughout Europe , Asia and North America and no other complaints have been recieved and it has been in the International marketplace since October last year.

It is not a print media campaign at all, it is meant purely for our own stores and Wholesale accounts and no where are the images in public places, only in our own shop windows.

Within our own stores are customers that we are targeting with this campaign are aged 18-40 and are well aware of the above irony.

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 advertisements contain adult sexualized images and are inappropriate for viewing by children.

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

The Board considered whether the advertisement was 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 advertiser’s response that these images are part of an international campaign and that they are only used for in-store promotions. The Board noted that the images are displayed in the window of the shop and so are visible to children and other passer-bys as well as to the customers of the shop.

The Board considered that the language used in the advertisements was acceptable and not likely to cause offense to most members of the community. The Board considered the images and noted the playful tone of them. The Board considered the images to be relevant to the product being advertised and to the tagline of the advertisements.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it 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.

