



Case Report

1	Case Number	0366/17
2	Advertiser	Lonsdale London
3	Product	Sport and Leisure
4	Type of Advertisement / media	Billboard
5	Date of Determination	13/09/2017
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement for Lonsdale features images of men and women in various poses wearing different types of sports clothing. One of the images on the left features a woman wearing boxing gloves which are raised up and covering her naked breasts. The image on the right is a larger image and features a topless woman lying on top of a topless man.

THE COMPLAINT

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

I am highly offended that the women in this billboard are topless considering it's advertising boxing gear in which it wouldn't be practised topless. It's also a clothing brand so the women could easily have at least a sports bra on to advertise the brand.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response to the complaint.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement features topless women and that in the context of promoting boxing gear this is not appropriate.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the advertisement is a billboard and features a man and woman wearing tracksuit pants, with no tops on the right hand side, and on the left there are four separate images: a topless man in trackpants, a man and woman seated together wearing sports clothing, a topless woman holding her boxing-glove clad hands against her bare breasts, and a man and woman wearing sports clothing in an upright embrace.

The Board noted that the AANA Practice Note for Section 2.2 provides: “Not all images of people who are scantily clad will be unacceptable under this section. This section restricts the use of such images only if they are exploitative and degrading.”

The Board noted the Practice Note also provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people.”

The Board noted that in order to breach this Section of the Code the advertisement would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted in the image on the right, the models are lying down with their bodies positioned toward each other, with the woman’s arm draped across the man’s bare chest. The Board noted that there is a significant portion of the woman’s breast visible, however, the Board considered that the positioning of the woman’s arm across the man’s chest does mean that she is not fully exposing her breast and/or nipple.

The Board noted that the man and the woman are wearing the advertised products, track suit pants, and although they have no tops on, the woman’s breasts are partially covered. The Board considered that using partly dressed models in an advertisement for clothes is not debasing nor degrading of itself and that in this advertisement the models, a couple posing together, are conveyed as relaxed, with a strong and positive gaze toward the viewer. The Board noted that the presentation of the models in this way did not employ sexual appeal in a manner which was exploitative or degrading.

The Board noted the images on the left featuring a man and a woman both with no tops on. The Board noted the image of the man and considered that it is not uncommon to see a man wearing no top and in this instance the man is posing in a relaxed manner and is not sexualised. The Board considered that this depiction of a man wearing only tracksuit pants is not exploitative or degrading.

The Board noted the image of the woman holding boxing gloves up against her bare breasts. The Board noted that the advertised product is sports clothing and equipment but considered that if the woman were to be taking part in a boxing event she would be wearing at the very minimum a sports bra and in the Board's view this depiction of a naked woman's torso, in the context of an advertisement for sporting equipment, is exploitative as it debases a woman for the enjoyment of others. The Board noted the pose of the woman however and considered that her stance is confident and in control and in the Board's view the manner in which she is depicted is not degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people and determined that the advertisement did not breach Section 2.2 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the image on the right of the billboard. The Board noted it had previously upheld a complaint about the same image in case 0216/16 where:

"The Board noted that the inclusion of nudity does not of itself amount to sexualisation. However in this advertisement the Board considered that the image of the semi-clad couple, lying down with the female draped over the man with their naked chests together, and the positioning of the woman's arm across the man, with a focus on the curve of her breast and her back, did convey a strong element of sexualisation in the image. This is in contrast to a recent determination of the Board, Case 0155/16, where the Board determined that partly clad models on a poster were acceptable:

"The Board noted that the one model's breasts are not visible and her pose as well as that of the other models is not sexually suggestive."

The Board noted that the placement of the advertisement on a billboard meant that the relevant audience was very broad and would include children.

The Board considered that the sexualised nature of the image and the impactful nature of the large billboard together meant that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience."

Consistent with its previous determination, the Board considered that the image of the topless woman lying on top of the man whose pants are low slung and revealing the top of his underwear does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board then considered the left hand side of the billboard. The Board noted the image of the man with no top on and considered that the level of nudity is not explicit and the man's pose is not sexualised.

The Board noted the two images featuring a man and woman posing together. The Board noted that the couple is fully clothed in both images and considered that their poses are not sexualised or inappropriate.

The Board then noted the image of the woman holding her boxing-glove clad hands up against her naked breasts. The Board noted that the woman's nipples are covered and considered that the level of nudity is not excessive and is consistent with the level of nudity in advertisements for lingerie or beachwear. The Board noted however that the advertised product is sportswear and equipment, not lingerie or beachwear, and considered that the use of a half-naked woman to promote this product is not relevant. The Board noted the pose of the woman and considered that she is depicted as confident and in control and in the Board's view, whilst the woman is clearly not wearing a top, the manner in which she is presented is not otherwise sexualised. Overall the Board expressed concern over the use of a half-naked woman to promote a sports product but considered that the actual content of the advertisement does not breach the Code as the pose is not sexualised and the level of nudity is not excessive.

The Board considered that the image of the woman lying on top of the man in the right hand side of the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that this part of the advertisement did breach Section 2.4 of the Code.

Finding that the image on the right hand side of the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser did not provide a response to the Board's determination. The ASB will continue to seek compliance.