



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0482/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Dope Lemon</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet-Social-FB</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/11/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Facebook advertisement features a woman wearing a long sleeve band shirt standing outside. She is lifting up the front of the shirt and covering her breasts with her hands. She holds some flowers in her hands.

### THE COMPLAINT

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

*This ad sexualises women. The sexualisation in this ad is not related to the product being sold (long sleeved top). The sexualisation of women in the media contributes to negative mental health issues in women and encourages boys to see girls as sexualised objects (less human).*

*Two decades of research on this topic cannot be ignored. Businesses are using the bodies of women and girls to sell merchandise.*

## **THE ADVERTISER'S RESPONSE**

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

*In regards to the complaint i don't feel this is an advert. It's shot from a fashion editorial. The model / girl is of age and confident in herself and position. The model is wearing a Dope Lemon Tee shirt. We don't feel this is sexual in anyway.*

## **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 advertiser's response that this was a fashion editorial and not an advertisement, however determined that as a post on a Facebook page that is clearly showcasing a product for sale this falls within the definition of advertising and marketing material in the Code and therefore the advertisement must comply with Section 2 of the Code.

The Board noted the complainant's concerns that the advertisement sexualises a woman to sell an unrelated product.

The Board noted that this Facebook advertisement featured a woman wearing a long-sleeved Dope Lemon t-shirt lifting it up so the bottoms of her breasts are exposed; she is holding a bunch of flowers between her breasts. The advertisement has the caption 'new shirts for sale online...' and includes user generated comments such as 'boob lemon' and 'does she come as an option with the shirt???'.

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 in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions: "Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;

Degrading means lowering in character or quality a person or group of persons."

The Board noted that although the woman in the advertisement did appear to be quite young the advertiser has confirmed that she is of age. The Board also noted the user-generated comments on the advertisement, particularly the comment 'does she come as an option with the shirt'.

The minority of the Board considered that the woman lifting up her shirt to show the bottom of her breasts was not relevant to the product and clearly exploitative of the woman. The

minority of the Board considered that when the exploitative image was considered in conjunction with the user-generated comments the advertisement was degrading and reduced the woman to a sexual object.

The majority of the Board considered that while the advertisement could be seen to be exploitative, it was not degrading as the woman was shown as confident and in control.

The majority of the Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 woman’s breasts are mostly covered and there is no nipple visible.

The Board noted that the relevant audience for a Facebook advertisement is people 13 years old and over.

The minority of the Board considered that the woman was appropriately covered and that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The majority of the Board considered that the woman was exposed in a way which is not relevant to product being sold. The majority of the Board felt that the pose of the woman lifting up her shirt and cupping her breasts was sexualised and would not be appropriate for an audience that could include people as young as 13.

The majority of the Board considered that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement breached Section 2.4 of the Code.

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The minority of the Board considered that the image of a young girl showing her breasts went against community messaging which aims to discourage young girls from sharing naked and sexualised images of themselves online, and considered that this advertisement was contrary to prevailing community standards on health and safety around online behaviour.

The majority of the Board considered that this image was clearly in the context of an advertisement to promote an item of clothing and that the woman was shown as being confident and in control. The majority of the Board felt that in the context of an over-18 woman in a fashion advertisement this advertisement was unlikely to encourage or promote the behaviour of young girls sharing inappropriate images online.

The majority of the Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board upheld the complaint under Section 2.4 of the Code.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Any text relating to the sale of the tee shirts has been removed.

