



## **CASE REPORT**

- |                               |   |
|-------------------------------|---|
| 1. Complaint reference number | 05/10   |
| 2. Advertiser                 | RSH Australia                                   |
| 3. Product                    | Clothing  |
| 4. Type of advertisement      | Print   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 10 February 2010                     |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement features Ms Gisele Bundchen, a model from Brazil wearing sandals and is covered in a vine.

## **THE COMPLAINT**

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

*This ad in in breach of section 2.1 and section 2.3 of the advertising code of ethics. It is blatantly using a scantily covered woman to sell in a public forum where the audience seeing this is mixed in age and gender. It is offensive to have to see a near-naked women while shopping and it is inappropriate material for my young children (aged 3 and 5) to have to see.*

*Women should be portrayed as the valuable contributors to society that they are - they are more than sexual beings, unlike what this ad would suggest. Women are being discriminated against by depictions like this ad and so many others that solely focus on revealing and emphasising the body. The constant barrage of sexualised images that our children and teens have to absorb in the shopping process are giving them unhealthy views on a women's value and encouraging a focus on superficial issues like looks which distract from their overall potential development. It is also an unhealthy distraction to men, making it easier to objectify and abuse women by treating them as accessories or channels for sexual pleasure.*

*Apparently the product is environmentally friendly - I am sure the company would successfully be able to use this more directly in an advertising campaign, appealing to people's minds rather than resorting to the unimaginative and offensive near-naked woman.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*As we understand the Complainant's position there are two issues which cause that person concern:*

*1. The blatant use of a scantily clad lady to sell shoes in a public forum, namely a Erina Fair Shopping Centre where it is inappropriate having regard to the makeup of the Centre visitors and more specifically children aged 2 and 5 years,*

*2. The negative portrayal of women's contribution to the community and the encouragement of a focus on superficial issues like looks.*

## **Background:**

*This Company considers its reputation and standing in the retail market very highly and accordingly has given great consideration to the advertising campaign which is the subject of the complaint. The model used in the campaign and previous advertising campaigns is Gisele Bundchen. Ms Bundchen is a 30 year old Brazilian model who has been carefully selected to be the "face" of Ipanema. The brand for which our company RSH (Australia) Pty Ltd has licensing arrangements for the distribution of their world wide product in Australia and New Zealand for the last 4 years. The reason that Ipanema chose Gisele Bundchen to be the face of the brand is that she is well known to most young adults particularly women for her views and position on current issues particularly the environment.*

**Response:**

*1. With reference to the first issue we would submit that the pose, presentation and dress of the model are both modest and discreet having regard to accepted community values, Further the specific pose referred to by the complainant has been crafted to present a natural look of the "leaves weaving in and out" tastefully covering her body in a setting that infers a "forest background" to achieve what the advertisement sought to do namely integrating the sale of product with the eco friendly theme. The complained graphic was also disseminated widely through other forms of advertising as well including:*

- In store signage at approximately 100 Novo stores nationally*
- Approximately 200 independent retailers (including Myers stores and Betts stores in all states of Australia). • Website advertising including the 'Novo Shoes website'.*
- Billboard advertising in various states but particularly Bourke Street Melbourne where a 10 metre high graphic was displayed.*
- Full page advertising in the following national magazines:*
  - » SHOP Nov 2009 edition*
  - » Madison Nov 2009 edition*
  - » Cosmo Nov 2009 edition*
  - » Instyle Nov 2009 edition*
  - » Famous 4 weekly editions (Oct/Nov 2009)*

*We have not received any formal or informal complaints other than the current complaint notwithstanding the extensive advertising incorporating the graphic in question. In addition the marketing of the brand which includes the graphic in question has been used globally by the Ipanema company with our understanding from that company that no such complaint has ever been lodged directly or indirectly against the company.*

*2. In relation to the second issue the Company takes issue with the opinion of the Complainant about the superficial nature of the campaign and the position of women.*

*Contrary to the suggestion by the Complainant, the advertisement is designed to have the thinking young female associate with Ms Bundchen. Ms Bundchen is well known amongst young adults as a prominent and longstanding supporter of reforestation programs in South America. For this work and other works in relation to environmental issues around the world, Ms. Bundchen on 20 September 2009 was designated a Goodwill Ambassador for the United Nations Environment Programme.*

*In addition the advertising campaign was supported by prominent complementary advertising both in store and on websites donating a portion of funds raised from sales of miniature seed pots associated with the model Ms. Bundchen to help Rainforest Rescue a non profit organization with its Rainforest project in the Daintree .*

*For the above reasons we respectfully believe the Complainant has not made out the grounds of her complaint and if should be dismissed by the Board.*

## **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 woman was near-naked and the image was offensive and objectifying to women and that the advertisement was inappropriate for a shopping centre.

The Board viewed the advertisement and considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

*"Advertising of Marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience."*

The Board noted that the model wearing the vine was discretely posed so that her breasts and genitalia were concealed. The Board considered that the woman was posed in a manner that was not sexually suggestive. The Board noted that the advertisement was for the promotion of Ipanema sandals and that the model is well known for her position on environmental issues. The Board considered that the depiction of the woman wearing a vine was not sexualised and that the nudity was discrete. The Board noted that the advertisement is displayed in a shopping centre and hence available to a broad audience. The Board considered that the advertisement treated nudity discretely, was not sexually suggestive and was unlikely to be offensive to the community. The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that the advertisement was not in breach of section 2.3 of the Code.

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