



Case Report

1	Case Number	0507/11
2	Advertiser	Icebreaker
3	Product	Clothing
4	Type of Advertisement / media	Print
5	Date of Determination	18/01/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A man stands in the foreground and behind him there are two almost naked women; their bottoms are naked and they are removing their bras/tops. The headline reads "Would You Believe? They Won't Smell You Coming. One Shirt, One Week, No Stink. Icebreaker.com"

THE COMPLAINT

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

This ad suggests a man sneaking up on women, naked women, it suggests stalking, voyeurism and intended assault.

It is an inappropriate way to advertise clothes. It is totally inappropriate and offensive.

Women already get sneaked up on: to suggest that this company will makes clothes to make this easier for you to do - this is outrageous!

Section 2.2 of the AANA CODE OF ETHICS - 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 ad implies the man can sneak up on the naked women for any purpose (rape, voyeurism etc) without being smelt.

At best this advertisement is using titillating photos of nude young women to sell clothes. At worst the composition of the image and especially the text "They won't smell you coming"

condones voyeurism, sexual harassment or even rape. It's profoundly disturbing and offensive especially to a young woman such as myself.

- 1. The ad features fully naked women. This ad appeared in a film festival guide that was available to all ages.*
- 2. The text clearly indicates a desire on the part of the man - representing Icebreaker's target audience ("you") - to approach the naked women unbeknownst to them. This is a clear allusion to a threat of violence or in the very least stalking of women in a vulnerable state. There can be no doubt that this is the intended message of the advertisement.*
- 3. The ad features a fully clothed man with fully naked women reinforcing objectification of women and sex stereotypes.*

THE ADVERTISER'S RESPONSE

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

The advertisement featured in the 2011 Radical Reels film festival magazine. 5,000 festival magazines were distributed to 6,200 audience members across 17 film festival screenings throughout Australia. The festival began on 8 October 2011 and concluded on 30 November 2011.

Icebreaker does not believe that sex, sexual appeal, sexuality or violence is depicted in the advertisement. Those elements are not explicitly depicted in the images or copy used in the advertisement. Furthermore, Icebreaker believes that it is unreasonable to speculate or project that the adult male featuring in the advertisement has sexual or violent intentions. Icebreaker acknowledges that the advertisement does feature adult female nudity. However Icebreaker maintains that the nudity has been portrayed in a way that is sensitive to the relevant audience. The nudity in question features the bare backs and bottoms of two adult females. Nudity of this type is not unusual in the context of the Radical Reels Film Festival. Adult nudity has featured in a number of the films previously screened at the festival in Australia. Consequently Icebreaker believes that it would not be surprising for a Radical Reels film festival audience to see nudity in promotional material whilst attending the festival. Icebreaker also believes that the audience in question is of an appropriate age to view the nudity in the advertisement. The content of the films screened at the festival is mature in nature. Each film festival screening took place between 7pm and 10pm in the evening. In addition, at the time of the screenings, 95 percent of the total film festival audience were of 24 years of age or older.

Therefore, given the nature of the nudity in the advertisement, the mature content usually screened at the film festival and the age of the audience in questions, Icebreaker insists that the nudity in the advertisement was treated with a level of sensitivity that was appropriate for that audience.

As an iconic brand in the outdoor industry, Icebreaker takes its messaging very seriously. Icebreaker has a strong story to tell, and is keen to use fun and humour to extend its customer base. The advertisement was intended to be a fun, light-hearted promotion to entertain customers whilst promoting the benefits of merino. It was not meant to offend or upset consumers. Upon notification of the relevant complaints Icebreaker has decided not to use the advertisement in any future communication.

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 complainants’ concerns that the advertisement suggests stalking and intended assault, is inappropriate in its depiction of naked women and objectifies women.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... gender...”

The Board noted that the advertisement depicts two women with their backs to the viewer who appear to be removing their clothes in the bush and possibly about to have a swim.

The Board noted the complainants’ concerns that the image objectifies women as it shows the women naked and thereby depicts the woman as objects. The Board considered that the images of the women were in the background of the advertisement and that the women were depicted in a setting which was suggestive of them bushwalking or camping and have a swim. The Board considered that this depiction was not inappropriate and was not objectifying the women.

Based on the above, the Board determined that the advertisement did not depict any material that discriminated against or vilified any person or section of the community on account of their sex. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board also considered whether the depiction of women removing their clothing complied with section 2.4 of the Code which requires that advertisements ‘treat sex, sexuality and nudity with sensitivity to the relevant audience’.

The Board considered that, although the women were removing their clothing and their bare bottoms were visible, the women were not depicted in a sexually suggestive manner and their nudity was in the context of having a swim while in the bush. The Board noted that the advertisement was available in a film festival magazine. The Board considered that the images were not inappropriate and that the advertisement did treat nudity with sensitivity to the relevant audience.

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

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the complainants' concerns that the image of the man with the text 'they won't smell you coming' was suggestive of the man sneaking up on the women and suggestive of assault or voyeurism.

The Board noted community concern about depictions of sexualised images in the context of violence and also noted the AANA Practice Note which states 'sexual violence is not acceptable'.

The Board noted that the advertisement does not depict violence.

In the Board's view however the advertisement does have a strong suggestion of menace. In particular the Board expressed concern with the text which accompanies the image stating 'they won't smell you coming'. In the Board's view, this statement is suggestive of hunting terminology and, combined with the image of the fully clothed man sneaking up on the naked women, is strongly suggestive of unacceptable and menacing behaviour by the man.

In the Board's view the advertisement presents violence and this presentation is not justified by the product advertised. The Board determined that the advertisement breached section 2.3 of the Code and upheld the complaint.

The Board noted that the advertiser has, following receipt of the complaints, voluntarily discontinued use of the advertisement.

ADVERTISER RESPONSE TO DETERMINATION

We confirm that we won't be using the advert in the future.