



Case Report

1	Case Number	0556/17
2	Advertiser	Surfstitch
3	Product	Clothing
4	Type of Advertisement / media	TV - On Demand
5	Date of Determination	19/12/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement in question is part of our "More Summer" campaign. It was a 15 second female swimwear version which showcases styles from our summer swimwear range. The ad features two female models wearing the swimwear on the beach and having fun making their summer "more summer" (etc eating icecreams, drinking slurpees etc). The ad was seen online via the Yahoo 7 platform.

THE COMPLAINT

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

It's offensive and disgusting to see close ups of women's with their legs spread and I feel that it promotes objectifying women.

THE ADVERTISER'S RESPONSE

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

The advertisement was produced within our brand guidelines and inline with reasonable expectations of a swimwear campaign. The models are wearing swimwear from our range. There are no g-strings worn in the advertisement as the complaint suggests however the

current trends in swimwear are more brief in design and as such this is what was depicted. Any close ups mentioned are designed to show the swimwear and in no way are designed to objectify the models as the complaint suggests. The way the model is sitting is part of the scene where she has food and slurpees on the ground in front of her and was her natural position. The shoot was produced and styled by a female team who specialise in swimwear campaigns of this nature and work for many of the leading swim brands in Australia. The theme was to celebrate summer, swimwear and fun and was in no way designed to degrade or objectify women.

We do however acknowledge the complaint and removed the advertisement from that channel (catch up TV) on the 30th of November 2017. We can confirm that we will not air the advertisement through catch up TV again as this audience is potentially too broad for our campaign / brand and we don't wish to cause any further offence.

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 concern that the advertisement is offensive and objectifying of women.

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: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the advertisement was aired on On-Demand Television, and features women in bikinis on a beach. The text reads “more ice-creams, more sunbaking, more bikinis, more summer.” The second scene of the advertisement shows a woman sitting on the sand with her legs apart, as she places her drink down on the sand. The same woman is seen later in another pose on the sand with her legs apart. The Board noted the brand Surf Stitch is a clothing, swimwear and accessories brand.

The Board noted that Freeview, unlike Free TV channels is not a broadcaster and that CAD ratings are not required for advertisements aired during television shows viewed via on-demand television. The Board noted that the advertisement was aired during Air Crash Investigations a program directed at families and would likely include children amongst the viewers.

The Board noted the advertiser indicated that the advertisement has been removed from broadcast through On Demand television.

The Board noted the AANA Practice Note which 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 images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the women are moving around and laying on the beach in swimwear and that a significant amount of their bodies are shown.

The Board noted that the overall impression of these women is that they are active, fit and healthy and that their swimwear is typical of the type of swimwear seen at the beach and that it is not inappropriate to present the women in swimwear for the activity they are undertaking. The Board considered that the women were not presented in a manner that was debasing or that was undermining their character.

The Board considered that the portrayal of the women does not use sexual appeal in a way that is exploitative and degrading and does 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 complainants’ concerns that the advertisement shows a close up of a woman with her legs spread apart.

The Board noted that there are two scenes that show the same woman in a yellow bikini sitting on the sand and her legs are spread. The first image does move more slowly as she places her drink between her legs. The Board noted that the woman’s arm is also placed between her legs and her vagina is not exposed. The Board noted that the woman is shown again later in a more fleeting image again with her legs apart.

The Board considered that the pose of the woman with her legs apart is a depiction that is sexualised and that although she is not shown actively engaged in a sexual manner, the depiction of a woman’s pubic area in this way is sexualised.

The Board considered that the close up image of the woman’s crutch was a sexualised depiction and that the sexualised suggestion in the advertisement was a sensitive depiction for the relevant audience which would include children.

The Board considered the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did breach section 2.4 of the Code.

Finding that the advertisement did breach section 2.4 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We do however acknowledge the complaint and removed the advertisement from that channel (catch up TV) on the 30th of November 2017. We can confirm that we will not air the advertisement through catch up TV again as this audience is potentially too broad for our campaign / brand and we don't wish to cause any further offence.