



Case Report

1	Case Number	0582/16
2	Advertiser	TakeClothe
3	Product	Clothing
4	Type of Advertisement / media	Internet-Social-Inst
5	Date of Determination	18/01/2017
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This Instagram advertisement depicts a t-shirt with a picture of a woman in underwear from behind. A male hand is grabbing her bottom.

THE COMPLAINT

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

Clearly inappropriate. Degrading to women. Pornography. Don't want to see that garbage in advertising.

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.

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 advertisement features a pornographic image of a man grabbing a woman in a manner which is inappropriate and degrading to women.

The Board viewed the advertisement and noted the advertiser did not provide a 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 this Instagram advertisement features an image of a t-shirt which has a picture of a woman lying on her stomach wearing a g-string with a man’s hand on her left buttock pulling it to one side. The Board noted that the complainant received the advertisement as a sponsored post from the advertiser and the text provides information on the price of the t-shirt and a 10% off offer.

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 the image is of a woman lying on her stomach with her bottom raised and her g-string-covered groin on display. The Board noted that the focus of the advertisement is the woman’s bottom and groin and considered that this focus along with the man’s hand holding her left buttock is clearly presenting this part of a woman’s body for the enjoyment of others which is exploitative as well as degrading to this, and to all, women.

The Board considered that the advertisement did employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people and determined that the advertisement did 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 that the advertisement was viewed as a sponsored post on Instagram. The Board noted that Instagram is targeted at persons aged 13 and over and considered that an image of a woman’s bottom and groin is not an appropriate image for this age group. The Board noted that the woman’s private areas are covered by the material of the woman’s g-

string but considered that her pose is highly sexualised and her positioning on a bed with a man behind her holding her buttock is suggestive of sexual activity which in the Board's view is not appropriate in the context of an advertisement for clothing.

Overall the Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity of the relevant audience of Instagram and determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Sections 2.2 and 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 work with the advertiser, and with Instagram, regarding compliance with the Board's determination.