



Case Report

1	Case Number	0412/16
2	Advertiser	SurfStitch
3	Product	Clothing
4	Type of Advertisement / media	Email
5	Date of Determination	12/10/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is an electronic mail piece sent to the SurfStitch subscriber database on 14th September 2016 to showcase new arrivals from selected brands. The email features a range of images from suppliers promoting their brand and products. Two images feature a topless female model, one image side on and the other front on, with the model covering her chest with her hands.

THE COMPLAINT

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

It's a clothing line being advertised with a topless model and an animal sent in a general email unaware of their targeted audience or age of audience.

THE ADVERTISER'S RESPONSE

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

SurfStitch does not feel that it has breached any advertising standards and this is the only complaint received to date regarding the advertisement.

The advertisement is in electronic mail format.

Please see below our response to Section 2 of the Advertiser Code of Ethics:

2.1 Discrimination or vilification – We do not believe that the images discriminate or vilify in any way.

2.2 Exploitative and degrading – The imagery features a solo female model who is topless yet covered so that her modesty is maintained in a respectful manner. The photographic images were professionally shot in a natural setting and taken in a way which depicts a tasteful, themed approach designed to suit the range of apparel. We do not believe that the imagery is degrading or exploitative in any way.

2.3 Violence – There is no violence depicted in the images.

2.4 Sex, sexuality and nudity – SurfStitch is a clothing retailer and we therefore showcase a variety of clothing styles (including swimwear) in our advertising which is predominantly online. SurfStitch is a stockist for Zulu & Zephyr apparel and in this particular instance, the email content relates to brand imagery supplied by the mentioned vendor. The imagery features a solo female model topless in an outdoor setting with animals to help portray the safari themed range of apparel.

The first image clearly promotes the Zulu & Zephyr brand through use of the brand logo placed over the image. The model is facing side on so that the front of her body is covered. We believe that there is minimal sexualised impact of the material since the focus is on the Zulu & Zephyr brand rather than the model.

In the second image, the model is covering herself with her hand/arm so that her modesty is maintained. The model is wearing pants and the description and price of the pants are included adjacent to the product featured in the image. We believe that by placing the product description and price with a ‘Shop Now’ call to action, the focus is placed on the product rather than the model’s body. We also believe the level of nudity is mild.

In addition, the model is pictured laughing and we do not believe her body language/pose is sexually suggestive in any way. She appears confident and we believe the image is not intended to be sexual.

The primary target audience for SurfStitch are 18-25 year olds and we do not believe that this imagery would be considered sensitive to this audience.

It is also important to note that the images within the email link to the SurfStitch website whereby the product is featured on a fully clothed model.

2.5 Language – The advertisement is electronic mail therefore there is no sound, only imagery is featured.

2.6 Health & Safety – The advertisement does not relate to any health and safety issues.

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 topless woman and as it was sent via email to a general audience this is not appropriate.

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

The Board 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 this email advertisement features images of models wearing the advertiser’s clothing products, including two images featuring a topless model next to an elephant.

The Board noted the images featuring a topless model next to an elephant. The Board noted that the woman’s naked breasts are covered in both images – in one image she is standing sideways and has her torso pressed against the elephant’s trunk, in the second image she has her arm across her breasts. The Board noted the level of nudity and considered that the model’s nipples are not visible and while there is no need for the model to be topless this is not of itself a breach of the Code.

The Board noted the poses of the model next to the elephant and considered that she is not presented in a sexualised or sexually suggestive manner.

The Board noted the complainant’s concern that this advertisement was sent out as a general email and the advertiser was unaware of their targeted audience or the age of the audience. The Board noted the advertiser’s response that their target audience is 18 – 25 year olds and that this email was sent to subscribers.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

