



Case Report

1	Case Number	0401/16
2	Advertiser	Brand Collective
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	28/09/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a series of six posters as part of a broader Volley “#Grassroots” advertising campaign. Each poster has an image of male and/or female models. In the posters the couples are engaging in intimate embraces or activities, wearing Volley shoes with bare upper bodies and some with no clothing.

THE COMPLAINT

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

Young people in sexually explicit poses, and acts with each other, which are totally inappropriate and irrelevant in marketing shoes to young people. The posters were stuck along the street only 100m from my child's primary school, and would be viewed by hundreds of primary school children each day. I was disgusted at the ads and their location so close to the school. Totally inappropriate!

Volleys are an iconic and trendy brand who appeal to the masses. I thoroughly endorse their message also (safe sex and pride in self-image). My issue lies with large plastered posters of straddling women on cars and washing machines and men holding women precariously by

underwear in forums where this must be explained by parents to 9 year olds! In an era where we aim to reduce sexualisation of women - particularly young ones - this promotion feels dirty and exploitative all in the name of JOGGERS.

The advertisement personally offended me as it encourages the sexualisation of young people, as well as the fact that selling shoes has NOTHING AT ALL to do with sex/naked people. As a young person I can see they are trying to appeal to a younger audience, but these posters are not at ALL appropriate for a public area such as a busy train station, nor are they at all relevant to the product.

These graphic billboards advertising condoms are on my walking route to kindergarten with my four year old daughter. They are also directly opposite a primary school and a playground. The billboards are pornographic and completely inappropriate for such a position. I am offended by the explicit nature of the images and by the position of the advertisements where children are passing every day.

THE ADVERTISER'S RESPONSE

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

Description of the Advertisement

We have not been informed of the precise "Poster" which is the cause of the complaint. The complainant lists Bland St, Ashfield as the place where the offending poster was displayed. Our contractor, which we engaged to print and place the media, has advised that 6 posters were deployed in that location and we include with our submission a photograph of the 6 posters in situ (Attachment 1). Each poster measures 1189mm x 840mm. We also attach individual pdf's of all 6 images (marked "Image 1 to 6").

The Volley brand manager has confirmed that no billboard advertising was deployed for the campaign.

The Volley in-house team created 6 Poster images for use in their campaign. The outdoor media company decided whether to place all 6 or a lesser number and in what combination depending on the agreement they have with property owners as to how many posters to affix at each location.

All 6 posters were displayed at Bland Street, Ashfield and we include with our submission a photograph of the 6 posters in situ (Attachment 1) as well as photograph of Nicholson St, North Fitzroy where only 4 posters were displayed (Attachment 2). A combination of these posters would have been displayed at Glenferrie Station and Gaffney St, Coburg.

Please note that the campaign ceased on 16 September 2016 and we are advised that all posters have been removed or postered over with new campaign images.

Comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes).

It is alleged that the posters displayed raise issues under section 2.4 of the AANA Advertiser

Code of Ethics (the Code). This section states: 'Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.'

The Volley posters displayed at Bland St, Ashfield and other strategic locations around Melbourne are part of a broader Volley "#Grassroots" advertising campaign. The target market for the campaign is the men and women aged 20 to 35. The intention of the campaign is to promote, in conjunction with Volley product, that our customers will not be socially engineered, are free to express their sexual preference, and are prepared to speak their minds and feel comfortable in their own skin. As a business, we support the move to legalise same sex marriage and this campaign also ties in with that public discussion. The heading "Grassroots" also harks back to Volley's heritage as being the preferred grass court tennis shoe in days past.

Reviewing the elements of section 2.4 of the Code, we submit that there is no contravention.

Sex

The poster series does not depict the act of sex nor the sexualisation of children. The models are standing or sitting in what we acknowledge to be intimate embraces and where those embraces could be construed as sexual in nature (which we do not concede), such embraces are photographed with sensitivity. Also, all models used are adults as can in our view clearly be seen in the posters.

Sexuality

The poster series does depict sexuality however we believe that the actors are standing or sitting in poses typical for a model promoting a fashion label and importantly appropriate to our relevant audience.

Reviewing each poster in detail in relation to the element of Sex and Sexuality

Image 1 – we concede this image is one of the more provocative of the six posters but in one view, even though confronting, does not depict the act of sex but rather sexuality in a novel way

- Images 2 and 5 – shows couples in intimate embraces with the models wearing Volley product sharing their love of each other and comfortable in their own skin; one couple is on a washing machine and one couple on a grass tennis court*
- Image 3 – shows a man piggy backing a woman with her upper body, though naked, pressed against the back of the man. They are "horsing" around in what we believe is not an offensive way*
- Image 4 – shows another image of a man and woman on a quad bike. We concede that the woman's breasts are partly exposed but believe the image is appropriate to the target audience and sensitively photographed*
- Image 6 – is a shot of people in a car; a woman's legs are revealed as is part of a man's torso but neither model has been photographed in a way that promotes sex or treats their sexuality other than in a sensitive way.*

Where models are almost naked, save for Image 4, in the case of the women, their breasts and in the case of the men and women, their midriff area is not exposed. We concede that the woman's breasts in Image 4 are partly exposed but believe the image is appropriate to the target audience and sensitively photographed.

Sensitivity

The poster series treats its subject matter with sensitivity. This is evident as:

- *The models are in our view beautifully photographed, comfortable and relaxed with what they are wearing and doing*
- *As noted, the term “Grassroots” harks back to Volley’s heritage as being the preferred grass court tennis shoe*
- *The poster series is targeted at the adult, fashion-conscious, male and female ages 20 to 35, who are, using the tag lines that we have developed for the campaign, “not socially engineered”, are “prepared to speak their minds” and “feel comfortable in their own skin”.*

In reviewing the other sections in section 2, the only other section which appears to be relevant is section 2.2. We do not believe that the poster series contravenes section 2.2 of the Code as, in our view, it does not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people. We do not believe any other section of section 2 of the Code is relevant to the complaint.

Conclusion

We submit that the poster series does not breach the Code, as it does not show sex, sexuality or nudity with insensitivity and believe that the subject matter is treated with sensitivity to the relevant audience.

The poster series should be considered in the context of the target audience of sophisticated male and female adults aspiring to feel comfortable in their own skin.

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 is a series of posters that show young people in explicit sexual positions, with little clothing on.

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 there are 6 posters in total, each depicting couples in different scenarios and poses.

The Board noted poster 1 which shows a naked man with a person’s legs resting against his torso and shoulders. The other person is in a headstand position, with their back to the man, is wearing volley shoes and white undies/shorts, and is visible from the waist up. The Board noted the positioning of the man’s hands inside the person’s undies/shorts. The Board noted it is not clear if this person is male or female but regardless of their gender, a minority of the Board considered that the image is not suggestive of this couple about to engage in sex. The majority of the Board however considered that the placement of the man’s hands inside the undies/shorts of another person is strongly suggestive of sexual activity due to the proximity of the hands to the person’s genitals. The majority of the Board noted that the man is naked

and considered that there is a suggestion of pubic hair visible between the parted legs of the other person which increases the overall sexualised impact of the image. The majority of the Board noted that the advertised product is Volley shoes and considered that there is no relevance between the image in the advertisement of a man with his hands near the genitals of another person and the advertised product, and in the Board's view the advertisement uses a sexualised image in a gratuitous manner. The majority of the Board noted the placement of these posters outside and considered that this image does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted poster 2 which shows a man sitting on a washing machine with a woman straddling his lap with and facing him. The Board noted that the man is wearing Volley shoes and white socks and the woman is wearing white underwear and considered that although it is not clear if the woman is wearing a top, due to the length of her hair, or if the man is wearing any clothing, due to the woman embracing him, in the Board's view the level of nudity is mild. A minority of the Board considered that the positioning of the woman straddling the man's lap is sexually suggestive and not appropriate but the majority of the Board considered that as the woman is wearing underwear the image, in isolation, is suggestive of an embrace rather than a sexual encounter. The Board did note however that this poster would be seen in conjunction with the other posters and considered that when viewed alongside these other posters this image does appear more sexualised. Overall the majority of the Board considered that this image, on its own, did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted poster 3 which depicts a man giving a woman a piggy back ride. The Board noted that the man and woman are wearing shorts/undies and considered that the woman's breasts are not visible and the level of nudity is not explicit or inappropriate. The Board noted the pose of the couple and considered that although the image itself, taken in isolation, has a sense of fun and is not sexually suggestive it does appear more sexualised when viewed in conjunction with the other 5 posters. Overall however, the Board considered that this advertisement on its own did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted poster 4 which depicts a naked woman straddling the lap of a naked man on a tractor. The Board noted that the man and woman are both naked, with a considerable amount of the woman's breast visible. A minority of the Board considered that although the level of nudity is high the overall image is not inappropriate. However the majority of the Board considered that this level of nudity is not appropriate for an outdoor advertisement. The majority of the Board noted the positioning of the woman against the man's lap and considered that there is a strong suggestion of sexual activity and overall the pose is sexualised and likely to cause offense to many members of the community. The majority of the Board considered that this advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted poster 5 which shows a couple in a seated embrace on a tennis court. The Board noted that one person has their back to the viewer and the other person has their arms and legs wrapped around this first person and considered that it was not clear of either person's gender. Regardless of gender however, the Board noted the similarity of this pose to that of the couple in poster 2 and a minority of the Board considered that this image is not inappropriate for a broad audience. The majority of the Board however noted that the couple appear to be naked and considered that there is a strong suggestion of sexualised activity

which, if replicated on a public tennis court, would be illegal. The Board considered that this image is deliberately sexualised and by suggesting sex it is not appropriate for a broad audience which would include children.

Finally the Board noted poster 6 which shows a man and woman in a car. The Board noted that while the woman is wearing Volley shoes it is not clear if she is wearing clothes but considered that only her legs, arm and face are visible and the level of nudity is not inappropriate. The Board noted the man is not wearing a top but considered that the rest of his body is not visible and the level of nudity is not inappropriate. The Board noted the poses of the man and woman and considered that there is nothing sexualised about the way in which they are depicted in this image. The Board considered that when this poster is viewed in conjunction with the other 5 posters the impact of the nudity is increased however the Board considered that on its own this poster did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted the advertiser's response that the message of the advertisements is that their customers 'will not be socially engineered' and 'are free to express their sexual preference' and that their target audience is men and women aged between 20 and 35. The Board noted the distinction between the target audience of the advertiser and the relevant audience of the advertisement. The Board noted that these poster advertisements are displayed outdoors where any member of the public could view them and considered that the advertiser does not have any control over the age of people walking past this advertisement.

Overall the Board considered that posters 1, 4 and 5 on their own did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and that although posters 2, 3 and 6 did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience, their use in conjunction with posters 1, 4 and 5 gives these posters a more sexualised tone and therefore all 6 posters, when displayed together, did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement when viewed as a whole did breach Section 2.4 of the Code and that images used in posters 1, 4 and 5 in an outdoor placement 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

You have asked us to provide an Advertiser's Statement advising of the measures that we have taken in response to the determination. We confirm the following:

In response to the Advertising Standards Bureau's determination of Case 0401/16 dated 6 October 2016 where the ASB determined that the poster series advertisement element of the Volley SS16 # Grassroots campaign (made up of 6 posters measuring 1189mm x 840mm) breached Section 2.4 of the Advertiser code administered by the ASB, we confirm that the following measures have been taken:

The advertising component of the SS16 # Grassroots campaign including the poster series advertisement element has ended.

The poster series was permanently removed from all sites by 16 September 2016
We do not intend again to advertise the poster series at any public locations in Melbourne or interstate.

We therefore ask that the case report when published include the heading:

“Complaint Upheld – Advertising Modified/Discontinued”.