

<b>COMPLAINT NUMBER</b>	18/004
<b>COMPLAINANT</b>	V Braun
<b>ADVERTISER</b>	Service Denim
<b>ADVERTISEMENT</b>	Service Denim, Digital Marketing
<b>DATE OF MEETING</b>	24 January 2018
<b>OUTCOME</b>	Not Upheld

## SUMMARY

The poster advertisement for Service Denim Stores showed a woman from behind wearing cut off denim Rolla's shorts and a t-shirt with the Rolla's logo on the back in red, straddling a motorbike. The advertisement said: "Service Denim Stores. Ponsonby. Newmarket. Britomart. Takapuna."

The Complainant was concerned the advertisement depicted women's bodies for the sexual servicing of men, and women as sexual objects devoid of all individuality.

The Advertiser said "Service" Denim Stores was the name of the stores and their fitting service and the image of the shorts that are their biggest selling item.

The Complaints Board, taking into account generally prevailing community standards, said the advertisement did not portray the woman in a way that was exploitative and degrading and was unlikely to cause serious or widespread offence to most people. The Complaints Board said a certain degree of sexuality was permissible in advertisements for jeans, but there was no sexual implication drawn from the text and no allusion to a sexual act in the advertisement.

The Complaints Board said there was no breach of the Advertising Codes and ruled the complaint was Not Upheld.

### **[No further action required]**

Please note this headnote does not form part of the Decision.

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## COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the complaint with reference to Basic Principle 4 and Rule 4 of the Code of Ethics and Basic Principles 3 and 5 of the Code for People in Advertising.

Basic Principle 4 and Rule 4 of the Code of Ethics required the Complaints Board to consider whether the advertisement contained anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience

and product (including services) and if it had been prepared with a due sense of social responsibility to consumers and society.

Basic Principle 3 of the Code for People in Advertising required the Complaints Board to consider whether the advertisement portrayed people in a manner which, taking into account generally prevailing community standards, was reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status. Principle 5 required the Board to consider whether the advertisement employed sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product.

### **The Complaints Board ruled the complaint was Not Upheld.**

#### **Complaint from V. Braun**

The Complainant was concerned the advertisement for Service Denim “presented a classic animal presentation to mate position, and the words SERVICE (Denim stores) is pasted across her back. Her head is cut off. The juxtaposition of text (‘service”) and image evoke tropes of women’s bodies as for the sexual servicing of men, and women as sexual objects devoid of all individuality.”

The Complainant also drew comparisons with the male version of the advertisement to illustrate the contrast in the advertisements.

#### **Response from the Advertiser**

The Advertiser responded to the concerns of the Complainant stating that it “chose the script position because it was the centre of the poster and at eye focus level of the image... the words Service Denim Store relates to us being able to provide the best denim fitting service possible and also relates to an industrial theme we have running throughout our store fit-outs.”

The Advertiser said, in part “the garments in both the men’s & women’s adverts are our biggest selling items through our own stores and independent retailers, this was the case prior and after that particular ad ran.”

While the Advertiser said the advertising was no longer current, it explained it was placed in various locations around Auckland.

#### **Response from Media**

Shout Media, who placed the posters, responded to the Complaint stating, in part: “we now have content/creative guidelines in place at Shout and push back to clients if we feel the material isn’t suitable. Whilst the female version of the advert is more risqué than the male version I don’t believe anyone would make the correlation between the word “service” and the image. The advertiser is simply Service Denim. Based on this I would be comfortable in running the same advert in the future.”

#### **Complaints Board Discussion**

The Complaints Board noted Complainant’s concerns and the responses from the Advertiser and Media in relation to those concerns.

The Complaints Board noted the advertisement promoted Service Denim stores who sell jeans and the likely target audience were young adults.

The Complaints Board noted the Complainant raised an issue with the combination of the text and image in the advertisement. The Complaints Board confirmed the text in the advertisement was the name of the "Service Denim" store and confirmed it did not deal with complaints about product names / company names in isolation. While there may be circumstances when the name of a product or a company created an issue when used in advertising, the ASA does not have jurisdiction to adjudicate on the names of its products or brands, with the exception of alcohol products.

The Complaints Board then considered whether the image in the advertisement employed sexual appeal in a manner which is exploitative and degrading or to draw attention to an unrelated product. It referred to precedent Decision (02/102) which considered a television advertisement for another jean brand and said, in part:

"The Board first considered the Complaint with regard to Basic Principle 5 of the Code for People in Advertising. It noted that the advertisement was promoting the Just Jeans' Western Cord Range which featured an exposed button fly. The Board then referred to previous Decisions where it had ruled that the use of a certain degree of sexuality was permissible in advertisements for jeans, as by their very nature, jeans were a "sexy" product. Therefore the Board was unanimously of the view that the advertisement before it did not portray people in a manner which used sexual appeal to draw attention to an unrelated product as the product was related, and accordingly it was not in breach of Basic Principle 5."

The Complaints Board said the above precedent applied directly to the complaint before it. The Board noted that the head of the woman was not shown in the advertisement but accepted the focus of the advertisement was the jean shorts being promoted. Taking into account generally prevailing community standards, it said the advertisement did not portray the woman in a way that was exploitative and degrading and was unlikely to cause serious or widespread offence to most people and was not in breach of Basic Principle 3 or 5 of the Code for People and Advertising

Having confirmed it did not have jurisdiction over the name of the store and that a certain degree of sexuality was permissible in advertisements for jeans, the Complaints Board turned to consider whether the placement of the word 'Service' in conjunction with the image meant the advertisement was likely to cause serious or widespread offence.

The Complaints Board were of the view that while the image was provocative in nature, it was showing the product and there was no sexual implication drawn from the text "Service Denim Stores". The Complaints Board noted there was no allusion to a sexual act in the advertisement and the posture of the woman on the motorcycle was simply displaying the product. The Complaints Board noted the poster medium meant care needed to be taken due to the unrestricted environment but was of the view there was nothing the advertisement which was particularly offensive. Therefore, taking into account the context, medium, audience and product, the Complaints Board said the advertisement was not in breach of Rule 4 of the Code of Ethics.

Taking the above into consideration, the Complaints Board ruled the advertisement was not in breach of Basic Principle 3 or 5 of the Code for People and Advertising or Rule 4 of the Code of Ethics and had been prepared with a due sense of social responsibility required by Basic Principle 4 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

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## DESCRIPTION OF ADVERTISEMENT

The poster advertisement for Service Denim Stores showed a woman from behind wearing cut off denim Rolla's shorts and a t-shirt with the Rolla's logo on the back in red. straddling a motorbike. The advertisement said: "Service Denim Stores. Ponsonby. Newmarket. Britomart. Takapuna."

## COMPLAINT FROM V BRAUN

I have included the male version of the ad (Cross St, Auckland CBD) as a contrast to the female version.

The female version of the ad depicts of woman's torso in short denim shorts, riding a scooter. The body is presented a classic animal presentation to mate position, and the words SERVICE (Denim stores) is pasted across her back. Her head is cut off. The juxtaposition of text ('service') and image evoke tropes of women's bodies as for the sexual servicing of men, and women as sexual objects devoid of all individuality.

## CODE OF ETHICS

**Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 4: Decency** - Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

## CODE FOR PEOPLE IN ADVERTISING

**Basic Principle 3:** Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

**Basic Principle 5:** Advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.

## RESPONSE FROM ADVERTISER – SERVICE DENIM

The advertisement concerned ran for a short period of time pre-Christmas 2017 in Auckland and is no longer current.

It was 15 A0 posters in 15 different locations in Auckland advertising our stores (Service Denim Stores) and their locations (Ponsonby, Britomart, Newmarket & Takapuna).

We chose the script position because it was the centre of the poster and at eye focus level of the image.

We also ran a men's ad image which is attached.

The garments in both the men's & women's adverts are our biggest selling items through our own stores and independent retailers, this was the case prior and after that particular ad ran.

We note in the complaint that the words Denim Store are in brackets and separated from our store name Service Denim Store. All the font is the same size, same colour and is one name on our poster.

The words Service Denim Store relates to us being able to provide the best denim fitting service possible and also relates to an industrial theme we have running throughout our store fit-outs.

We do not feel that we have breached any code regarding advertising.  
Thank you for your consideration.

#### **RESPONSE FROM MEDIA – SHOUT MEDIA**

We now have content/creative guidelines in place at Shout and push back to clients if we feel the material isn't suitable. Whilst the female version of the advert is more risqué than the male version I don't believe anyone would make the correlation between the word "service" and the image. The advertiser is simply service denim.

Based on this I would be comfortable in running the same advert in the future.