

COMPLAINT NUMBER	19/413
COMPLAINANT	P Franklin
ADVERTISER	The Just Group
ADVERTISEMENT	Peter Alexander, Out of Home
DATE OF MEETING	21 October 2019
OUTCOME	No Grounds to Proceed

Advertisement: The shop window advertisement for Peter Alexander sleepwear shows a cartoon of a naked female figure set amongst leaves. The wording on the advertisement was “Celebrating Every Body.”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, P Franklin, said: Dunedin Meridian Mall Peter Alexander store front window depicts topless woman with her breasts and nipples showing. I consider this to be offensive and in contradiction to the standards of advertising and cinema standards in New Zealand, which hold that one has to be at least 16 to view such content. I consider this to be offensive as the image is displayed in the middle of Dunedin Meridian mall. This is an area where families frequent regularly and the image is not age appropriate. I appreciate that the images intention is to encourage body positivity but feel this does not require public nudity to achieve this.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c): Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt abuse or ridicule.

The Chair noted the Complainant’s concern the image of a topless woman is offensive and shown in an inappropriate location.

In considering the complaint, the Chair referred to precedent Decision 16/319 which was not upheld by the Complaints Board. The complaint concerned a poster for The Body Shop product “Dead Sea Salt Scrub”, displayed in the shop window. The central image of the poster showed a naked young woman standing in the sea. The water came up high enough to just cover her buttocks. The woman is photographed from behind with a portion of her right breast showing.

The majority of the Complaints Board considered the level of nudity in the advertisement was appropriate, given the product being advertised was a bathing product.

Turning to the complaint before her, the Chair said the advertisement was promoting a new sleepwear collection called “Celebrate Every Body and a positive message that people

should be comfortable in their own skin. The Chair said in her view, the cartoon image had been drawn to resemble a cherub-like character and despite the drawing having breasts with nipples, there was nothing overly sexual about the image.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the stylised illustration in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair acknowledged the genuine concerns of the Complainant but said in this case the threshold to cause serious or widespread offence had not been reached.

The Chair said the advertisement had been prepared with the due sense of social responsibility required and ruled it was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.