

COMPLAINT NUMBER	20/053
COMPLAINANT	R Virebrand
ADVERTISER	Boohoo NZ
ADVERTISEMENT	Boohoo, Television
DATE OF MEETING	24 February 2020
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for the clothing label Boohoo shows a range of models wearing the fashion label's clothing and swimwear ranges.

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

Complainant, R Virebrand, said: The advertisement for Boohoo clothing is going to far. It's not a strip tease add is it? I don't want children to look at this kind of advertising. It's more for adult entertainment then advertising for teenage clothing, shocking.

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 advertisement was using inappropriate images to advertise teenage clothing.

In considering the appropriateness of the images in the advertisement, the Chair referred to an earlier Complaints Board Decision (14/522) about billboard advertisements for underwear, which stated, in part:

"When considering the practice of women modelling the underwear, the Chairman referred to a previous Chairman's Ruling (10/776) that concerned a similar complaint. That decision stated, in part: "The Chairman noted the concerns of the Complainant, J. Hargreaves. However, she was also aware that there were many precedents for advertising underwear, and (16/419) referred to an earlier Complaints Board Decision, (05/293), in which the Board confirmed its long-held view that the use of models wearing the product to advertise lingerie was acceptable to the majority of people. Furthermore, the Chairman noted that the underwear worn in the advertisement was not particularly revealing and found that the Complainant may have taken an extreme interpretation of the image."

The Chair was of the view the above precedents were directly relevant to the Complainant's issue with an advertisement featuring women modelling swimwear and young people's fashion.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the models wearing swimwear to sell the product and clothing being modelled in a catwalk style presentation was appropriate in this context. The Chair said there was nothing salacious or gratuitous shown and the Chair said the advertisement was unlikely 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 a due sense of social responsibility and 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 calendar days of receipt of this decision.