

<b>COMPLAINT NUMBER</b>	20/088
<b>ADVERTISER</b>	Threebyone Pty Ltd
<b>ADVERTISEMENT</b>	Rolla Jeans Out of Home
<b>DATE OF MEETING</b>	9 June 2020
<b>OUTCOME</b>	Settled and Not Upheld No further action required

### **Summary of the Complaints Board Decision**

The Complaints Board settled a complaint about an out of home advertisement for Rolla's Jeans, which was displayed in a paid outdoor media poster frame on the outside of a suburban diary.

### **Description of Advertisement**

The large poster advertisement had a photo of a woman wearing a pair of jeans, and no top. The woman was covering her breasts with her hands. The text "Rolla's" and "Sofia Ritchie" was written across the photo.

### **Summary of the Complaint**

The Complainant was concerned the advertisement with an image of a topless woman should not be located so close to a primary school, which was within 20m of the advertisement.

### **Issues Raised:**

- Social Responsibility
- Decency and Offensiveness

### **Summary of the Advertiser's Response**

The Advertiser said placing the advertisement near a primary school was poor positioning.

### **Summary of the Media Response**

The Media said the advertisement has been removed and won't be returned to this position in future.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

### ADVERTISING STANDARDS CODE

**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.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, Decision 18/004, which was Not Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 18/004** concerned a poster advertisement for Service Denim Stores which 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. The woman was straddling a motorbike.

The Complaints Board 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. 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.

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout was this is an advertisement for Rolla jeans, which features Sofia Ritchie.

#### *Is the advertisement offensive?*

The Complaints Board agreed the advertisement did not reach the threshold to be regarded as offensive. The Board said while the image of the woman wearing only jeans, while covering her breasts with her hands, did have a degree of sexuality about it, the advertisement was not likely to cause serious or widespread offence. This is because it was an advertisement for jeans and its execution involving a fashion model was not exploitative or degrading.

#### *Is the advertisement socially responsible?*

A majority of the Complaints Board said while the advertisement was not offensive, the placement of the advertisement was not socially responsible. The majority said while the image of a semi-naked woman might be appropriate in other settings, its location on a poster near to a primary school, was inappropriate. The minority said there was unrestricted access to the advertisement in this outdoor location.

A minority disagreed. The minority said the placement of the advertisement was not socially irresponsible as the image in the advertisement was not offensive for any age group.

The majority of the Complaints Board agreed, under the principles of self-regulation, to settle the complaint. The majority noted the advertisement had been removed and the media company had provided an assurance that this advertisement would not be placed in this location in future.

In accordance with the majority, the Complaints Board ruled the complaint was Settled.

**Outcome**

The Complaints Board ruled the complaint was **Settled in part and Not Upheld in part.**

No further action required.

**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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.

## APPENDICES

1. Complaint
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT

The topless women on this advertisement is within 20 metres of a primary school's main entrance. Every morning young school children walk to school and are confronted with a half-naked image. My 6 year old son first noticed it, and it has become a distraction every morning. It is inappropriate to be so close to school grounds.

### Appendix 2

#### RESPONSE FROM ADVERTISER, THREEBYONE PTY LTD

Sorry with all else going on I haven't had a chance to get to this issue. Saying that we have run this campaign around the world all of Feb and March and this is the only complaint we received.

The campaign finished in March for Australia & NZ. Im not sure if you need anything else from me?

#### ADDITIONAL RESPONSE FROM ADVERTISER, THREEBYONE PTY LTD

Sorry, I would like to follow up on the location...If outside/near a primary school sounds like a very poor position for placement. I can ask the marketing co-ordinator to ask why this location was used. And unless this is a good location for 20-30 year old female denim consumers we shouldn't be placing ads in that location in the future anyway.

### Appendix 3

#### RESPONSE FROM MEDIA, SHOUT MEDIA

This has come down. This site shouldn't have been used as we applied our 300m distance from a school for this campaign. I'll have the site checked in our system to make sure it doesn't happen again. We have no plans to run this material again.