



CASE REPORT

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| 1. Complaint reference number | 60/09 |
| 2. Advertiser | Guess (Marciano) |
| 3. Product | Clothing |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 11 February 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement depicts from the thighs up, a woman wearing a white shirt and a man wearing jeans. The woman and man have a net wrapped around their middle and are embracing. The woman is leaning backwards and the man is leaning into her and is about to kiss her on the neck. Text reads 'Guess by Marciano'.

THE COMPLAINT

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

Enclosed are advertisements for womens clothing left in my mail box, which I find offensive. The models are just things showing off merchandise and are an insult to men and women dignity. Is there some standard by which this dangerous material can be regulated and people who try to help society have some regard for each other and their well-being can be protected.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

This GUESS advertisement being reviewed has complied with all the guidelines set under Section 2 of the AANA Advertiser Code of Ethics. The advertisement was part of the Spring/Summer 09 campaign and featured models wearing more apparel than would normally be seen on a beach. Under no circumstance did it treat sex, sexuality or nudity insensitively and the campaign was launched relevant to the Australian summer season.

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 complainant's concerns that the advertisement is an insult to men and women's dignity and offensive. The Board considered whether the advertisement depicted sex, sexuality or nudity in a manner that would breach section 2.3 of the Code.

The Board noted that the advertisement depicts a man kissing a woman and considered that the image is sexually suggestive in nature. The Board noted that the couple are partially clothed. The Board noted that the advertisement is for fashion items and that the advertisement appears in a fashion magazine that is printed for a number of shopping centres. The Board considered that, although the couple are kissing and the advertisement is sexually suggestive, the advertisement appears in a women's fashion magazine and that the images are therefore sensitive to the target audience.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.