



Case Report

1	Case Number	0013/15
2	Advertiser	PVH Brands Australia Pty Ltd
3	Product	Lingerie
4	Type of Advertisement / media	Outdoor
5	Date of Determination	28/01/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Current campaign imagery released in August 2014 depicts Calvin Klein Models Matthew Terry and Lara Stone in Calvin Klein Jeans and Calvin Klein Underwear. Image is black and white with the #mycalvins hash tag used in the global campaign in 2014.

The image has the male model holding the female model and her arm is raised above her head.

THE COMPLAINT

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

Since a young age, I have been consistently appalled by advertisements that portray a subject matter that should be obviously inappropriate. I do not believe they have a place or purpose in our society - especially in public spaces. We all know that in this day and age, unfortunately, "sex sells". Any decent human being should have an issue with advertising that uses sex to sell. And it is up to these decent humans beings to have their say and to encourage change.

I have friends who have struggled in the past with temptations surrounding pornography and indulging in visually stimulating images. Such images are easily, readily available to anyone and everyone through social media, YouTube and even everyday Internet search engines such

as Google Images. These friends are really working hard to overcome their addiction and I am doing my best to support them, and many have been clean for months now. However, they share my disgust in the way that sex is used to sell products. For anyone struggling with an addiction or temptation towards pornography, such billboards can create a massive downfall and place temptation right before their faces – forcibly viewing images they are trying to steer clear of and having them imposed on them in a public area where they have no control over what they are confronted with. My friends and I talk about ‘training our eyes to look away’ – but, seriously, if there is something in a public place that a bunch of late teenagers are trying to avoid, why is it there in the first place? Shouldn’t society be striving to bring up young generations with morals and values? How is inappropriate advertising going to help change the thoughts and behaviours of young adults and younger generations? What are we trying to teach society?

Seeing images of half-naked men and woman in provocative and revealing poses makes me feel physically ill. This kind of advertising upsets me and honestly makes me feel sick. The general public should not have to feel this way when they are walking down Pitt Street Mall doing their shopping, walking to Macca’s with the kids for lunch, going for a morning jog, or sitting at a bus stop, only to see the same advertisement, just five times bigger, plastered onto the side of the bus as it pulls in.

Having images such as the Calvin Klein advertisements and other brands of underwear and swimwear, in public areas where men, women, children, families, mums, dads, grandparents and people of all races and religions are subject to them does not seem right - it cannot be right.

I understand that products need to be advertised for business, but I propose that Australian Advertising takes a stand against provocative, suggestive, inappropriate advertising - particularly in our streets and public spaces.

I will not hesitate to lodge further complaints.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Timing- August- December 2014 in the Australian Market. This specific campaign ran in December geo targeted to Calvin Klein Retail store locations in the CBD in JC Decaux.

This season, Calvin Klein Jeans and Calvin Klein Underwear was synergistically brought together in one global advertising campaign featuring supermodel Lara Stone and male model Matt Terry. The campaign extended the very successful #mycalvins social media campaign, which was first launched in February 2014. Until now, the program has focused primarily on encouraging influencers and consumers to post photos of themselves wearing the iconic Calvin Klein Underwear logo product on social media using the dedicated #mycalvins hash tag to share their individual style. To date, the viral program has seen thousands of image posts using the hash tag, engaging over 6 million fans and reaching over 200 million fans from more than 23 countries.

Beginning with the fall 2014 (Spring 2014 in Australia) season, the #mycalvins program will expand to encourage influencers to also use #mycalvins in photo posts where they are wearing their Calvin Klein Jeans. Additionally, the #mycalvins hash tag will now be featured prominently on print, digital and outdoor advertising executions as well as in-store, on hang tags and at point of sale. #mycalvins.”

The campaign was photographed by Mert Alas & Marcus Piggott in New York and London, and was produced under the direction of Calvin Klein, Inc.’s in-house ad agency and studio working with creative agency Wednesday London. Ms. Stone, considered one of today’s top supermodels, has a long-standing relationship with the house; she was first introduced on the Calvin Klein Collection runway at the Spring 2007 show and has been the face of multiple global advertising campaigns for the house’s lifestyle brands since Fall 2010.

“My relationship with Calvin Klein has spanned many years and it’s an honor to be a part of this iconic brand’s legacy and to be featured in such timeless creative,” said Ms. Stone. “The campaigns are always so beautifully and artistically presented – and are always fun to shoot. Matt and I have a great working relationship and it’s always a fantastic atmosphere on set with Mert and Marcus.” Calvin Klein has a strong heritage of Iconic campaigns that highlight the products we sell in a bold

impactful way. They are often seen as Provocative and we understand that this can cause offence to certain members of the community who are not comfortable with the human form and the intimate category advertised, with respect to their opinions we find that the majority of our target consumer and the public are not offended. This is supported by the fact this is the first and only complaint in Australia we have received on this campaign, 5 months after Launch.

We take reasonable steps with media placement to ensure these images are not near Churches or Schools.

In reference to Section 2 of the code, we note that the preliminary assessment raises only 2.4, but we have dealt with each part of Section 2 as referenced in your letter for completeness.

2.1 We do not believe that either male or female characters are discriminated against nor any area of the community is vilified by the creative.

2.2 The couple’s interaction represents a loving consensual embrace is neither exploitative nor degrading. The Female in this creative is shown in a strong confident approach.

2.3 There is no violence depicted.

2.4 The male and female are each clothed in jeans (the top band of the male’s underwear is also shown, as is the female’s top) and no sensitive areas of the body are shown. The ad is not overtly sexualized. The products are jeans and underwear, as exemplified in the photo and in the language used in the ad. These products are not aimed at or sold to Children. The advertisement is appropriate for today’s consumer and attitudes, and treats sex, sexuality and nudity with sensitivity to the relevant audience.

2.5 We believe the language used is not contravening the code and is not offensive.

2.6 The ad does not contravene the standards on Safety and Health.

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 sexualised and inappropriate for outdoor display.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted this print advertisement features a man and woman wearing Calvin Klein clothing embracing. The Board noted that the man is not wearing a top and the woman has a cropped sports-bra style top and her stomach is covered by the man’s arms.

The Board noted that the level of skin visible is minimal and considered that whilst the pose is mildly sexualised it is not inappropriate in the context of a fashion advertisement. The Board noted the complainant’s concern that the advertisement can be viewed by children but considered that consistent with previous decisions for similar complaints (0360/10, 0392/11, 0498/11) in the Board’s view most members of the community would not find this advertisement to be overtly sexualised or inappropriate.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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