



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0017-20
2. Advertiser :	Pretty Little Thing
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement opens on a Paris cityscape and features the band Little Mix. Scenes include: Montage of Little Mix posing around carousel in various outfits; Montage of Little Mix posing around decadent dining room in various outfits; Montage of Little Mix posing from viewpoint with Eiffel Tower; Group shot of Little Mix in front of Eiffel Tower.

THE COMPLAINT

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

I and my 22 year old daughter are offended by the portray of woman/ girls in these ads. The ad I have just seen now was at a carnival grounds with the model holding a whip and the other models lying all over the carnival rides. I have currently seen the carnival ad at 8:00pm which is not an appropriate time for this type of ad. As a mother of 3 girls and who works in a high school I am very concerned as to the way women are portrayed in these ads. I had hoped and thought we had moved on from this sort of female portrayal. I cannot upload anything as I have just seen these ads on TV.



THE ADVERTISER'S RESPONSE

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

There is no sexual content in this ad (2.4), discrimination or vilification (2.1), exploitation or degrading (2.2), Violence (2.3), sex, sexuality and nudity (2.4), Language (2.5), health and safe issues (2.6) and is distinguishable as advertising (2.7) PLT takes matters such as these extremely serious. On this occasion, PLT challenges the complainants' belief that the advertisement is inappropriate and breaches the above advertising codes.

In this particular instance, PLT have collaborated with a globally well-known highly successful female pop music group 'Little Mix' who connect well with our target consumers and act as inspiring role models. It is reasonable for an advertiser, such as PLT to use well known and attractive women who connect directly with their target market to showcase items available for purchase.

PLT embraces that young women should be able to express themselves and aims to promote and teach their customers how to dress with confidence. The clothing items in the advertisement are relevant to the target audience and are reflective of current fashion trends at the time of broadcasting, namely the festive party dress season. The models are appropriately dressed for the campaign and are not displayed in a suggestive or sexual manner. The advertisement does not feature explicit nudity and we believe it communicates the products with sensitivity, as per Section 2.4 of the Code of Ethics.

The advertisement does not include any elements of violence and it is denied that the advertisement features "a model holding a whip", as alleged by the complainant. Further, the language i.e. the song Wasabi by Little Mix is entirely appropriate for the advertisement given the advert is promoting the campaign collaboration with the pop music group. Finally, we would also like to assure you that all production of TV advertising is completed in a professional manner having regard to any health & safety risks.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts women in an inappropriate manner and is unsuitable for broadcast at 8pm.

The Panel viewed the advertisement and noted the advertiser's response.



The Panel noted that Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.

Degrading – lowering in character or quality a person or group of people.”

The Panel noted that the advertised product is clothing and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted that the style of the clothing the women were wearing was reflective of current popular culture, and considered that the women’s poses were mildly sexualised. The Panel considered that some members of the community may consider a depiction of women in clothing which reveals their stomach or legs and sexualised posing to be a depiction of sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that the clothing being advertised is somewhat revealing but are a reflection of current fashion, and the close up scenes of the models are focussed on the product being advertised and are not gratuitously directed at the models’ bodies.

The Panel considered that the women in the advertisement are depicted at a carnival and are depicted in a manner that appears confident. The Panel considered that the women were not depicted in a manner that was exploitative or degrading of women.

The Panel determined that the advertisement did not employ sexual appeal that was exploitative or degrading of any person or group of people and therefore did not breach Section 2.2 of the Code.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.



The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel considered whether the advertisement depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction of the women in the clothing shown is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement contained sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel again noted that the style of the clothing the women were wearing was reflective of current popular culture and fashion trends, and their posing was not explicitly sexual. However the Panel considered that some members of the community may consider a depiction of women in clothing which reveals their stomach or legs and posing to be a depiction of sexuality.

The Panel determined that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity may be a factor when considering whether an advertisement contains nudity.

The Panel considered that the women are all wearing clothing that is consistent with current fashion trends, and there is no depiction of breasts or genitals. The Panel noted two scenes depicting women in low-cut V-neck clothing but considered that a mild degree of cleavage would not be considered by most members of the community to be a depiction of nudity. Overall the Panel determined that the advertisement did not contain nudity.



The Panel considered that the depiction of the woman wearing this style of clothing was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction of sexuality should be treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel considered that there is a mild degree of sexuality in the advertisement in the manner in which the women pose and the scenes are filmed – i.e. head tilted/neck extended, hand on hip, filmed from behind with head turned, body weight shifting from one leg to another. The Panel noted that this was consistent with similar advertisements featuring models showcasing clothing. The Panel noted that the women are wearing clothing that did cover their breasts and genitals and considered that the sexuality of the advertisement related to the posing of the women, rather than their clothing or depiction of their bodies.

The Panel considered that there was no undue focus on the women's bodies and the overall impression of the advertisement was mildly sexualised.

The Panel noted that the advertisement received a G rating by ClearAds (not in children's programs) and was aired at a time appropriate to the rating (<https://www.clearads.com.au/storage/final-clearads-handbook-version-ca12.pdf>). The Panel considered that the relevant audience for this advertisement would likely be broad and include children.

The Panel considered that while the advertisement may be viewed by a broad audience including children, the imagery was not strongly sexual. The Panel considered that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

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