



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0040-21</b>
<b>2. Advertiser :</b>	<b>G-Star RAW</b>
<b>3. Product :</b>	<b>Clothing</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>24-Feb-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF ADVERTISEMENT

This window poster advertisement features an image of a woman from behind. She is wearing jeans and the advertisement shows her from mid-thigh to mid-back. The text 'Hardcore denim' is superimposed over the image.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*It is associating a young female anal region with hardcore porn. Why else use the word hardcore. Why else have a posterior tilted in a suggestive manner at eye level. Appalling that this is being used to sell jeans to young females and sending the message that denim clad tilted posteriors are for hardcore. What does that say about the objectivity of women. Where is the male equivalent? Where is the decency. What message does this send to young males. Thank you for your time in reviewing this.*

### THE ADVERTISER'S RESPONSE



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

*Advertiser did not provide a response.*

## **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 associates female buttocks with pornography.

The Panel viewed the advertisement and noted the advertiser did not respond.

**Section 2.2: Advertising or marketing communications should not employ sexual appeal 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 - (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.*

### **Does the advertisement use sexual appeal?**

The Panel noted the advertisement depicted a close-up of a woman's covered buttocks, and considered that a focus on buttocks would be considered by most members of the community to contain sexual appeal.

### **Does the advertisement use sexual appeal in a manner that is exploitative?**

The Panel considered that the woman is not posed in a sexualised manner, and her depiction in jeans was relevant to the product being sold and was not a depiction which suggested the woman herself is an object or commodity.

The Panel considered there was no focus on the woman's body parts which was not relevant to the jeans product being promoted.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.

### **Does the advertisement use sexual appeal in a manner that is degrading?**



The Panel considered that the depiction of the woman was relevant to the promotion of jeans and this did not lower the women in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

### **Section 2.2 conclusion**

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“Overtly sexual depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable.”*

#### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the woman is not engaging in sexual intercourse. The Panel considered that the advertisement did not contain sex.

#### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the woman is wearing jeans however considered that the close-up of her buttocks may be considered by most members of the community to depict sexuality.

#### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.



The Panel noted that the woman's buttocks are completely covered by jeans and considered that the advertisement did not contain nudity.

**Is the issue of sexuality treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is "understanding and awareness to the needs and emotions of others".

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires 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 Panel noted that this image appears in store windows and considered that the relevant audience includes retail workers, people shopping in the G-Star RAW store and people who are not shopping at G-Star RAW but who are walking past the store, and that this last group would include children.

The Panel considered that the word "hardcore" is not only a reference to sexual activity, it can also be used to describe people who strongly believe in something (hard-core party member) or colloquially can relate to a personality attribute (he climbed that mountain without ropes, he's hardcore).

The Panel noted that Hardcore Denim is the name of the product line, and considered that the intention of the advertisement is to demonstrate that the jeans advertised are a line which are tough and made to last.

The Panel considered that the interpretation that the advertisement is referring directly to sex, or suggesting that women who wear jeans are more likely to want or have sex, is unlikely to be shared by the broad community.

The Panel considered that the level of sexuality in the advertisement was appropriate for the relevant broad audience.

**Section 2.4 Conclusion**

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

**Conclusion**

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.