



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

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0041/18</b>
2	<b>Advertiser</b>	<b>Cotton On</b>
3	<b>Product</b>	<b>Clothing</b>
4	<b>Type of Advertisement / media</b>	<b>Poster</b>
5	<b>Date of Determination</b>	<b>07/02/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features two female models wearing sleepwear and features the text: "MERRY GIFTMAS".

## THE COMPLAINT

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

*It's nudity, pornographic and in the general public's eye.*

## THE ADVERTISER'S RESPONSE

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

*We refer to the complaint lodged with the Advertising Standards Bureau on 23 December 2017 regarding a recent Cotton On Body advertisement in our Orana Mall store ("Advertisement"). A copy of the image relating to the complaint was not provided by the complainant.*



*The Advertisement is alleged to be in breach of Section 2.4 of the Code. Section 2.4 requires advertising to treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The Advertisement is a poster image of two female models wearing our new style of sleepwear. The text reads “MERRY GIFTMAS”.*

*The image was part of a Christmas campaign for our new style of sleepwear. The Advertisement is targeted to women who may be interested in purchasing our new style of sleepwear available in Cotton On Body stores.*

*We believe the complaint refers to the female model on the left leaning back on a sofa wearing our new style of sleepwear being a cuffed woven shirt and cuffed shorts. An enlarged image of the female model in the Advertisement is included on page 3 of this letter.*

*The complaint alleges there is an obvious gap in the pants where the model is not wearing underwear and the labia is clearly visible. Although there is a gap in the shorts due to the pose of the female model, we can confirm that the female model is in fact wearing underwear and there is no nudity in the image. A copy of a close up of the Advertisement as well as a brightened copy of the Advertisement has been included on page 4 for your reference.*

*Although we do not consider that there has been any breach of Section 2.4 of the Code, we can confirm that the campaign has finished and the Advertisement has been removed. It will not be used going forward.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement was pornographic and featured nudity.

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 that this outdoor advertisement depicted two women wearing pyjamas behind the words ‘Merry Giftmas’. In particular the Board noted the depiction of the woman who was seated with one leg out straight and the other knee



bent out to the side.

The Board noted that this image was on a poster in a store window and therefore the relevant audience was broad and would likely include children.

The Board considered the complainant's concerns that one of the women was not wearing underwear and that her labia was visible.

The Board considered the advertiser's response that the woman was wearing underwear and that there is no nudity in the image.

The Board considered that the woman is depicted wearing loose-fitting pyjamas and that this has caused a gap near the top of her leg which may give the impression the woman is not wearing underwear. The Board considered the image did not reveal any detail of the woman's genitals and that there was no nudity.

The Board considered that although there was no nudity in the advertisement there was a focus on the woman's legs and her pose highlights the shadow at her crotch.

The Board considered a lot of time and effort goes into photographing and posing models and care should be taken by the advertiser that the focus of the advertisement is on the clothing and not the model's body inappropriately.

The Board considered that Cotton On is a store that is popular with children and young teenagers and cautioned that advertisers with this target market must take care not to use sex to advertise their products. Advertising must not sexualise young people.

However in this instance the Board considered the advertisement did not contain nudity and was not inappropriately sexualised.

The Board considered that the advertisement did treat 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.

