



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0045/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Cotton On</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/03/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Image of a woman wearing a sports bra/cropped top and a pair of sports shorts. She is pictured from the side and her head is not visible. Her left hand is lifting the bottom of her shorts slightly so that the curve of her left buttock is visible.

### THE COMPLAINT

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

*It is basically nudity/soft porn.*

### 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 you regarding the attached image included as instore advertising material for Cotton On Body between 21 January 2013 and 3 February 2013 in 28 stores in Australia and 5 stores in New Zealand.*

*We are aware of our obligations under the AANA Code of Ethics and feel that the image is a candid and playful reflection of our female customer in the gym. We are mindful of using images which are real and honest, as well as tasteful and reflective of our customer. The purpose of the Cotton On Body product and advertising is to promote the health, fitness and positive body image of our loyal customers.*

*We regret that we have unintentionally offended a customer and will consider this view when using promotional images in future.*

## **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 features nudity and soft porn.

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

The Board considered whether the advertisement complied with Section 2.2 of the Code which states, “Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the image is featured on an in-store poster and depicts a female model lifting the bottom of her shorts up to expose the curve of her buttock. The Board noted that it had recently dismissed a complaint regarding this image on the Advertiser’s website (0044/13).

The Board noted that in this image the woman’s head is not visible. The Board considered that the overall focus of the advertisement is on the product (sportswear) and that the woman is presented in a manner which is consistent with a fit young woman who exercises.

The Board considered that the advertisement did not depict material which was exploitative or degrading to women and determined that the advertisement did not breach Section 2.2 of the Code.

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 the complainant’s concerns that the image of the woman lifting her shorts is akin to soft porn.

The Board noted that the image of the woman is consistent with images of models advertising clothing and that whilst the model in this instance is lifting up the bottom of the shorts she is wearing the overall image is not sexually explicit or suggestive and the level of nudity is minimal and not inappropriate. The Board noted the complainant’s concerns that the

advertisement is soft porn and considered that this interpretation is unlikely to be shared by the broader community.

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 complaints.