



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0051-21
2. Advertiser :	Cotton On Group
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	10-Mar-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This poster advertisement has two versions showing the same lingerie set of a pink bralette and sheer pink underpants:

Image 1 features a brunette woman posed with her arms above her head and her eyes closed.

Image 2 features a blonde woman in posed with her arms out to her sides and her eyes closed.

THE COMPLAINT

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

The revised AANA code of ethics on 'overtly sexualised imagery' in advertising includes "people depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen".

This is a large image in a shopfront window depicting a young woman, possibly a teenage girl, in sheer underpants. It is clear from the image her vulva has been waxed and is completely hairless.

The audience for this shopfront ad in a major Perth shopping centre is everyone within that shopping centre, including children- including my teen and pre-teen children who were exposed to an image of a woman's genitals.



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 Ad Standards on 22 February 2021 regarding a recent Cotton On Body advertisement in our Lakeside Joondalup store ("Advertisement"). A copy of the image relating to the complaint was not provided by the complainant, but we believe the Advertisement referred to is the image included on page 3 of this letter.

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 window poster of a female model wearing a sheer pink bralette and matching sheer pink underwear. The text reads "Love that for me. Bralette \$24.99. Valentine's Day Sunday Feb 14."

The Advertisement was part of our Valentine's Day campaign celebrating all things love, leading with our customers' favourite lace intimate sets in new shapes and sheer fabrications. The Advertisement was aimed at Cotton on Body's target demographic customer which is 22 year old women who may be interested in purchasing lingerie available in Cotton On Body stores.

The complaint alleges the female model may be a teenage girl. The complaint further alleges the audience has been exposed to the model's genitals. We can confirm that the model is 22 years old, aligning with Cotton On Body's target customer. Although the lingerie is sheer, we can confirm that the Advertisement has been photo shopped and that there is no nudity in the image. Close up copies of the Advertisement has been included for your reference.

The expression on the model's face is innocent and in no way intended to be seductive or sexualised, rather the expression is intended to depict how happy and comfortable the model feels while wearing our lingerie range.

We consider the pose of the model to be sensitive to the relevant audience and not inappropriate, offensive, exploitative, degrading, sexualised or suggestive.

We do not consider the Advertisement to be in any way discriminatory, vilifying, exploitative, degrading, portraying violence, using obscene language or contrary to prevailing community standards on health and safety.

We consider the Advertisement to be clearly distinguishable as advertising considering its placement in the front window of our Cotton On Body store where the products the



model is wearing are available for purchase. The Advertisement is also accompanied by text indicating the underwear the model is wearing is available for sale.

Although we do not consider that there has been any breach of Section 2.4 of the Code, we can confirm that the campaign will finish on 8 March 2021 and the Advertisement will be removed.

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 concerns that the advertisement is overly sexualised.

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

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 images are not appropriate in outdoor advertising or shop front windows.

"Although not exhaustive, the following may be considered to be overtly sexual:

- Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- Suggestive undressing, such as pulling down a bra strap or underpants; or*
- Interaction between two or more people which is highly suggestive of sexualised activity.*

"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."

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 noted that this advertisement includes two images featuring a different woman wearing the same pink lingerie set and posed with her arms above her head (Image 1) and out to the side (Image 2). Due to the images being almost identical, the Panel considered both together.

The Panel considered that the woman is not engaging in sexual activity. 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 considered that the woman was wearing lingerie and there was a sexual element to the advertisement.

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 in the advertisement is depicted in lingerie, and considered that this is a depiction of partial 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 Cotton On Body store and people who are not shopping at Cotton On Body but who are walking past the store, and that this last group would include children.



The Panel noted that the lingerie is translucent, particularly the underpants, and noted that her mons pubis is partially visible due to the lingerie style. The Panel noted the advertiser's response that the image had been edited prior to publication to ensure that the woman's genitals were not visible. The Panel considered that while the woman's pubic mound was slightly visible, the lingerie is not completely sheer and this was not a focus of the advertisement.

The Panel considered that the woman does not have a sensuous or suggestive facial expression, rather she appears poised and carefree and in an asexualised pose.

The Panel considered that the sexual element of the advertisement was mild and not overt and not inappropriate for a broad audience that would include children.

The Panel noted the complainant's comment regarding the woman's pubic hair. The Panel considered that a lack of such was not of itself sexualised.

Section 2.4 Conclusion

The Panel determined that 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 Section 2.4 of the Code, the Panel dismissed the complaint.