



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0065-20
2. Advertiser :	Cotton On Group
3. Product :	Clothing
4. Type of Advertisement/Media :	Poster
5. Date of Determination	26-Feb-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This poster advertisement is a window size poster image of three adult female models wearing blue and white seam free bralettes and blue and white underwear. There is a window decal that accompanies the poster, the text reads "I feel so good in them. I feel like me. Undies 5 for \$35".

THE COMPLAINT

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

I'm offended by the lack of clothing these posters are displaying. Cotton on body should not be allowed to display soft porn in their shop front window. Children should be allowed to have a childhood and not be exposed to a bare bottom and a woman wearing next to nothing, not to mention the way they are posing, when out shopping for groceries and shoes.

Some women were pictured from behind wearing underwear that could be considered close to a g-string. Most of their bottom was visible.



I understand that stores want to market underwear but I've never seen a huge picture with a basically bare bottom'd woman. It objectifies women. Provides soft core porn for boy and men of all ages to see as they casually walk around the shops. Worst of all this shop is located in the kids section of the shopping centre! Young boys should not be forced to see giant near naked women as they innocently shop with their parents.

A disgusting woman's bare dirty buttocks in a g string in the front window for families and children to see.

This is R rated content which drew a lot of male attention. This shop does not offer any male clothing. It is offensive to display sexualised meaning to vulnerable youth, in a country rife with sexual violence against females. It is in no way Family Friendly as Cotton On profess themselves to be, how could they call that advertisement family friendly do parents display the material to their young children at home, no. The ad represents sexual pleasure and is tasteless. It debases the walkway and there is no way of avoiding looking at it, as it is in the narrow area where the public come in from the outside street to catch the trains. It is a cheap shot at men and a deplorable shot at women.

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 9th February 2020 regarding our Cotton On Body advertisement at our Cotton On Body store at the Orana Mall Shopping Centre in Dubbo, New South Wales ("the Advertisement"). A copy of the Advertisement is attached in Annexure A. The Advertisement is alleged to be in breach of Section 2.4 of the Australian Association of National Advertisers Code of Ethics ("the Code"). Section 2.4 of the Code requires that advertisements treat sex, sexuality and nudity with sensitivity to the relevant audience.

The advertisement is a window size poster image of three adult female models wearing blue and white seam free bralettes and blue and white underwear. The type of underwear is known as the "Brazilian cut". There is also a window decal that accompanies the poster, the text reads "I feel so good in them. I feel like me. Undies 5 for \$35". The marketing intention of this poster was to relaunch our best-selling "Brazilian cut" and seam free lingerie styles with a focus on inclusivity, diversity and ensuring our customers feel comfortable and body positive wearing our lingerie styles.

The Advertisement is aimed at Cotton on Body's demographic targeted customer which is 22 year old women who may be interested in purchasing our seam free and "Brazilian cut" style of Cotton On Body lingerie, available for sale in our Cotton On Body Stores. Such a purpose would be difficult to achieve without having the lingerie displayed on an adult model.



Showing a model in the underwear for sale is relevant to the specific lingerie that is being advertised. The style of underwear the models are wearing is not in fact a G-string as asserted in the complaint but a “Brazilian Cut’ silhouette which has more coverage. The expressions on the models faces are innocent and are in no way intended to be seductive or sexualised, rather their expressions are intended to be depicting how happy and comfortable in their bodies they feel wearing our lingerie range.

The lingerie displayed on the models is relatively modest without resulting in excessive or inappropriate exposure of the models groin as asserted in the complaint. We also consider the poses of the models to be sensitive to the relative 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 models are wearing are available for purchase. The Advertisement is also accompanied by text indicating the underwear the models are wearing are on promotion as 5 pairs for \$35.

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 complainants’ concerns that the advertisement depicted near-naked women in sexually revealing underwear and was inappropriate for display in public.

The Panel viewed the advertisement and noted the advertiser’s reponse.

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 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 underwear 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 considered that some members of the community may consider a depiction of women in underwear to be a depiction of sexuality.

The Panel determined 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 is factor when considering whether an advertisement contains nudity.

The Panel noted that the lingerie worn by the women covered their breasts and genitals, however considered that a lot of flesh was visible and a large portion of one woman's buttocks is visible. The Panel considered that this is a depiction of partial nudity.

The Panel then considered whether the advertisement treated the issues of sexuality and nudity 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 or nudity 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 noted that this image appears in store windows and considered that the relevant audience includes retail and service workers, people shopping in the Cotton On store and people who are not shopping at Cotton On but who are walking past the store, and that this last group would be broad and would include children.

The Panel noted that recent research into community perceptions found that the general community were more conservative than the Panel's determinations relating to sexual imagery and nudity in advertising, and that the level of concern over nudity and sexualised content in advertising has been increasing over the last 10 years (<https://adstandards.com.au/sites/default/files/2007-2017_community_perceptions_web.pdf>).

The minority of the Panel considered that the underwear depicted is quite high cut in the pubic region of the centre woman, and that a part of her pubic mound is visible. The minority considered that the woman on the left is pushing her torso forwards, and her underwear is also quite high cut and a large portion of upper thigh and hip was prominent.

The minority of the Panel considered that the woman on the right is wearing lace Brazilian-cut underpants, and that the majority of her bottom is visible. The Panel also noted that her head is tipped back, and the overall impression of the woman is sexualised.

The minority considered that the depiction of the centre woman's pubic region and the woman on the left's leg and thigh in conjunction with the woman on the right's buttocks and pose was a depiction of overt nudity and sexualisation that was not sensitive to the likely concerns of the broad shopping centre audience.

The majority of the Panel however considered that the poses of the women were not sexualised or explicit, and the theme of the advertisement as evidenced by the slogan "I feel so good in them. I feel like me" is that Cotton On has a style of underwear for every type of person.

The majority of the Panel noted that the lace underpants on the woman on the right are quite high cut, however considered that the Brazilian-cut style of underwear depicted is popular and quite common and that, although the pose she is in means her bottom is exposed, in the majority of the Panel's view the pose is not of itself sexualised and rather has the impression of being a pose that is necessary to show the design of the lingerie

The majority of the Panel considered that while a lot of flesh is visible in the advertisement, there is no explicit focus on the women's specific body parts, and the level of nudity in the advertisement is mild.

The majority Panel considered that while the advertisement did contain a mild level of nudity, it was not overtly sexualised or inappropriate for the relevant broad audience.



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

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Panel considered the image of the woman on the left and considered that she appeared to be quite thin, and that her arm in particular looked gaunt.

The Panel considered that the woman’s pose appears unnatural. The Panel considered it likely the image had been edited, however considered that a strange pose was not of itself a breach of the Code. The Panel considered that it was difficult to determine whether the woman was unhealthily thin.

The Panel considered that although the woman depicted did appear slim, the Panel considered that in the context of the overall advertisement, the image of the woman was insufficiently clear to be a depiction of material that is contrary to Prevailing Community Standards on health and safety in relation to body weight.

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