



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0073-20
2. Advertiser :	Pretty Little Thing
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	26-Feb-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement for Pretty Little Thing depicts model Gabby Epstein in various clothing in a beach setting. Scenes include her posing near rocks, sitting in a lifeguard chair, walking along the beach, sitting on the sand, standing on the sand, sitting in a large white chair near the water, and walking with a surfboard.

THE COMPLAINT

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

In one scene the girl is in a light blue G string bikini which is very revealing and very sexual in nature. Her bottom is exposed and so is her groin area. It seemed like I was watching a porno in front of my seven year old son.

Online clothing brand that is sexualised and displaying 1 model who is very thin, with minimal clothing. I understand it's advertising swimwear but I feel the positions/poses are sexual and I don't believe that being displayed during a PG rated show on fishing, it accentuates that the ad is not targeting the likely market for young women's swimwear



THE ADVERTISER'S RESPONSE

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

There is no sexual content in this ad (2.4), discrimination or vilification (2.1), exploitation or degrading (2.2), Violence (2.3), sex, sexuality and nudity (2.4), Language (2.5), health and safe issues (2.6) and is distinguishable as advertising (2.7) PLT takes matters such as these extremely serious. On this occasion, PLT challenges the complainants' belief that the advertisement is inappropriate.

In this particular instance, PLT are advertising their swimwear collection and it is reasonable for an advertiser, such as PLT to use an attractive model to showcase such seasonal items available for purchase. The model used in the particular advert is a well-known professional actress who is a role model for PLT customers.

The clothing items are relevant to the target audience and are reflective of current fashion trends and the current weather in season. Models are not displayed in a suggestive or sexual manner. The model in the advert is not displayed in a suggestive or sexual manner but is simply advertising the seasonal products available for purchase on the PLT site.

The advertisement does not feature explicit nudity and we believe it communicates the products with sensitivity, as per Section 2.4 of the Code of Ethics.

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 is sexualised, depicts women in an inappropriate manner which is unsuitable for broadcast at 8pm, and depicts a very thin woman.

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

The Panel noted that Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) 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 - means (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.”

The Panel noted that the advertised product is clothing and swimwear and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted that the style of the clothing the woman was wearing was reflective of current popular culture and beachwear trends, and considered that the woman’s poses were mildly sexualised. The Panel considered that some members of the community may consider a depiction of a woman in swimwear to be a depiction of sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that the clothing being advertised is somewhat revealing but is a reflection of current fashion, and the close up scenes of the model are focussed on the product being advertised and are not gratuitously directed at her body.

The Panel considered that the woman in the advertisement is depicted at a beach and is shown in a confident manner. The Panel considered that the woman was not depicted in a manner that was exploitative or degrading of her or women in general.

The Panel determined that the advertisement did not employ sexual appeal that was exploitative or degrading of any person or group of people and therefore did not breach Section 2.2 of the Code.

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 noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”



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 woman in the clothing shown 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 again noted that the style of the clothing and swimwear the woman was wearing was reflective of current popular culture and beachwear trends, and her posing was not explicitly sexual. However the Panel considered that some members of the community may consider a depiction of a woman posing in clothing which reveals her stomach or legs to be a depiction of sexuality.

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

The Panel considered the Practice Note for the Code which provides:
"Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example."

The Panel noted that several scenes depicted the woman in high cut bikini bottoms which showed a large amount of buttocks, and a scene depicting her wearing an open jacket without a shirt. The Panel considered that most members of the community would consider this to be a depiction of partial nudity.

The Panel considered that the depiction of the woman wearing this style of clothing was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction of



sexuality and partial nudity should be treated 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 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 several scenes depicted the woman in high cut bikini bottoms which showed her buttocks. The Panel considered that although these scenes did show a large amount of the woman's bottom, her entire bottom is not visible at any stage and the depiction is a reasonable depiction of a woman in current fashion swimwear which is the product being promoted.

The Panel noted a scene depicting the woman wearing an open suit-style jacket without a shirt, and her legs open in long pants. The Panel noted that the woman's breasts were fully covered and only the centre of her chest was visible. The Panel considered that although the woman's legs were spread, she was wearing long pants and the impression of this scene is one of the woman posing comfortably in a chair, rather than being sexualised.

The Panel considered that there is a mild degree of sexuality in the advertisement in the manner in which the woman poses and the scenes are filmed – i.e. head tilted/neck extended, hand on hip, filmed from behind with head turned, body weight shifting from one leg to another. The Panel noted that this was consistent with similar advertisements featuring models showcasing clothing.

The Panel considered that there was no undue focus on nudity or on the woman's body and the overall impression of the advertisement was mildly sexualised

The Panel considered that while the advertisement may be viewed by a broad audience including children, the imagery was not strongly sexual. The Panel considered that the advertisement did treat the issue of sexuality in regards to the imagery of the advertisement with sensitivity to the relevant audience.

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant 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 that although the woman in the advertisement is slim, she does not appear to be an unhealthy weight. The Panel considered that the impression of the advertisement is one of a woman that is athletic rather than unhealthy.

The Panel considered that the advertisement did not depict material 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.