



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0150/11</b>
<b>2</b>	<b>Advertiser</b>	<b>General Pants Group</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/05/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

Image on the webpage for General Pants which features a topless woman with what looks like masking tape covering her nipples. A pair of male hands are reaching from behind her ready to remove her unzipped jeans. The word SEX is written in large letters behind them.

### THE COMPLAINT

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

*These images are not on - especially as this 'Sex advertising campaign' is across all General Pants Co. stores- in shopping centers across Australia.*

*This content is highly offensive. Children and families should not be subject to this soft porn that this company apparently thinks is ok.*

*I feel extremely concerned that this company thinks it is ok for families and children to be subject to this inappropriate advertising.*

*The effect that advertisements such as these have on our society's view of women - degrading and sexualising them, portraying them as sexual play things.*

*I went to the General Pants Co. website to look for clothing and was horrified at their Sex! advertising campaign for their ksubi brand (<http://www.generalpants.com.au/>). The pictures depict semi-naked women with tape over their nipples and a set of men's hands undressing the lady's jeans. This is soft porn and I do not want my children exposed to such advertising when I am looking for clothing on Australian websites. I would like this advertising campaign*

*to be banned. I believe the same campaign can be found in the General Pants Co. stores which is unacceptable. We should not allow retailers to sexualise women in this way before our innocent children.*

*This is sexually explicit content with no thought to who would view it. The breasts of the woman are clearly seen with only nipples covered in tape while male hands are undressing her further. I am concerned for the image being displayed to young girls as well as the ongoing objectification of women.*

## **THE ADVERTISER'S RESPONSE**

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

*The General Pants business has decided that we will not be placing the censored sign over the website content because consumers have the choice to visit the website and view content whereas on the shop front they do not. This has influenced our response to place censored signs on shop front posters.*

*The other reason is the Sex and Fashion website launched yesterday and our website generates some of the traffic for them. This campaign has been a collaboration between Ksubi and General Pants.*

*This means that the campaign/image will be removed from our website in less than 2 weeks and not to be used again.*

*The store front has already had the censored signs placed over the poster and clothes worn on the mannequins to cover the complainant's issue of visible women's body parts.*

## **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 complainants' concerns that the content of the image on the website is offensive, is soft pornography, that the image is sexualised and inappropriate for viewing by children, and objectifies women.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of ...sex...'

The Board considered the image was objectifying as it depicted a woman with her clothing being removed by someone else and showed the word sex above her head. This image

positions the woman as a passive sexual object. The Board considered that this advertisement was demeaning to women. The Board considered that in this instance the advertisement did breach Section 2.1 of the Code by depicting material that discriminated against or vilified women.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board considered that the advertisement depicts nakedness – with the woman’s breasts and pubic region visible. The Board also noted the use of the word ‘Sex’ prominently with the image, and the depiction of a person undoing the woman’s jeans. The Board considered that the image overall created a strongly sexualised image.

The Board noted that the image is on the internet and is therefore more likely to be seen by the target audience (fashion customers) than by a general broad audience. However the Board considered that despite a more limited audience the image was inappropriately sexualised.

The Board considered that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did breach section 2.3 of the Code.

Finding that the advertisement breached section 2.1 and 2.3 of the Code the Board upheld the complaints.

## **ADVERTISER RESPONSE TO DETERMINATION**

23 May 2011: General Pants confirm that the campaign with the images considered offensive has been removed from the store windows and website.