



Case Report

1	Case Number	0151/11
2	Advertiser	General Pants Group
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	11/05/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

A topless young woman with black Electrical tape across each nipple. There is man behind her but you can't see his face and he is in the process of removing her jeans. The word SEX appear above her head in huge bold type.

THE COMPLAINT

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

These ads are in public places. They contain explicit and highly suggestive material. The huge size of them in the front windows of the store makes them impossible to ignore thereby removing the choice of the consumer to be exposed to these images (which are saying what exactly?) Sure the target is clearly 18 to 28 years with money to spend and a confused morality but these images have been set up in community settings. How do you explain this add to a 94 year old lady?.....or a 6 year old girl?. How do you explain this add to teenagers trying to make sense of their sexuality and their role? Passersby were clearly shocked which in this day and age was unusual. I saw exasperated parents frantically removing their offspring from the scene.

This ad campaign has crossed a boundary! A woman stands in a state of unnatural undress and her pubic area is visible. The tape across her nipples hints at bondage. It's concerning the male undressing the woman is faceless in fact you can't see who he is at all! Usually the models are so glamorous they are unobtainable and out of reach except in our wildest

fantasy. We can't hope to have the incredible luxurious and exciting life we imagine they have. Their cool photo-shopped perfection keeps us at a safe distance but here that "safety barricade" is removed and any man can be the one that is behind her using her for his pleasure while she remains submissive ready to be frisked while she waits in the familiar hands on your head posture used for control. I'm no prude and I'm not afraid of sex but this ad offends me like no other.

You can turn off the T.V if you don't like it. You don't have to read a book or look at a magazine that you don't want to. To a degree you can shield your children from images that you feel are not appropriate BUT this image is right next to where we shop the cinema and where we meet friends for coffee. As a family we are comfortable with nudity but not in this form where the woman has been reduced to a sexual object AND just a commodity to sell fashion. As a community we have to care about the impact we have on others. It's not acceptable to be so entirely focused on your target audience that you lose sight of how other people outside your target might feel. I feel this campaign is a form of abuse because a diverse range of people will be forced to view this image even if they are distressed and disturbed by it.

Sex sells. It's a fact but the fashion world shouldn't be allowed to exploit this fact to the extreme end for financial gain at the expense of others. I witnessed several acutely distressed elderly people yesterday. One woman actually had tears in her eyes. She decided not to have tea in the mall and I felt sad and angry. My teenage sons were shocked to the core and asked me what General Pants were thinking....it's hard to answer that isn't it?

I believe that images such as these should NOT be permitted in public places such as shopping centres where there are lots of families, children and young people.

I have children and find it appalling that an advertisement of this nature is allowed to be displayed. There is so little of the models clothing shown that is obviously is NOT advertising a clothing product. The intension is obvious that General Pants are obviously promoting sex in association to their merchandise. What next - pictures of half naked models copulating? As a parent I am able to control so little of what my children are exposed to and I try hard to explain the intent of advertising. However retail and advertising have a moral obligation of maintaining some sense in how they advertise. I should be able to shop freely and not have to think about where I shop to avoid such virtual rape.

I know if I shop in King Cross we are going to pass sex shops. This is not somewhere I would take children. Westfield is.

Shops are a public venue catering for all ages including young children. I object to the exposure of the female body in this way clearly displaying sexual images. In my opinion this undermines the value of women it is degrading and is treating the sacredness of sex in a coarse and offensive manner.

I have two late teens who would shop in this type of shop. I do not wish to have them exposed to images that otherwise they would choose not to view. It gives a distorted and in my opinion cheap view of the value of women and sex.

I find it totally offensive and inappropriate in a public place.

It's appalling to see such a rude advertisement in a public area where children and families are constantly exposed to. This advertisement has stepped over the line. Already as it is other advertisements have gone too far but this one is literally 'sex' in your face. If it makes me (a 21 year old female) feel uncomfortable I couldn't imagine how the poor parents would be feeling...these days parents can't even let their children watch TV without having to keep the remote in their hand now they can't even take them to the shops without the fear of their children's minds being filled with filth that they cannot control! This is disgusting!

This image is degrading to women is very explicitly about sex and I do not believe such images should be allowed to be displayed in such a public area.

While I understand that 'sex sells' and that this type of promotion may be suitable in specific outlets having this displayed in a public environment (such as shopping centre) and visible to people of all ages (specifically families with children) is unacceptable.

While this is a brand that tries to appeal to a younger demographic and I am surprised they would use this type of material I am not objecting to this campaign being used but it is totally inappropriate in a public space. If it must be used it should be kept to controlled areas where young eyes will not see it. For Castle Towers Shopping Centre (and other retail outlets) to allow this is a shocking revelation.

We have taken this complaint to the managers of Castle Towers Shopping Centre but to no avail.

I should be able to choose what my children see and are exposed to as their parent. How can I teach my children that women should be treated with respect when this message is being constantly undermined by advertising- for the sake of selling a pair of pants? Do I have to stop going to shopping centres to keep my kids away from soft porn?

The advertisement is out of line it has nothing to do with clothing and since she is practically wearing none how can they advertise this?

The display wording and image of the woman are highly sexualised and this is completely inappropriate in the public setting and completely out of step with community standards. The display was confronting and disgusting.

This advertisement is presenting a very negative view of women and sex and it is being publicly displayed so anyone including children who are shopping will see it. It is not only degrading to women but allowing saying it is acceptable for women to be treated this way and is promoting the idea to young girls who will see this that SEX is not valuable not based on a relationship only based on having a hot body so you can attract men. It's is NOT the image that should be displayed in a place where young people will see. It's pushing the boundaries of pornography.

THE ADVERTISER'S RESPONSE

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

We have instructed the teams to change the store fixtures and cover the posters with censored signs to cover the sections of our model's body that complainants have considered offensive. The entire campaign will be replaced in 2 weeks with another campaign/brand. We won't be putting this campaign back out there again.

The launch of Ksubi Sex and Fashion was always a little risqué and going to create a stir at some point along the way. In support of the brand and its launch of this new range and blog we took the risk and supported them as we always have in the past.

We understand the feedback, and in some cases complaints, that you have been fielding in the stores and appreciate the fact that you have supported the message and direction of this campaign. We have also been handling these at Head Office and the feedback from customers has been that they are happy with how you have all handled yourselves and talked them through it at a store level however they feel strongly enough to follow through to Head

Office with their complaint. From this, and trying to limit any further feedback you/we may get, we require you to take action on the below few steps by 4pm this afternoon (29/04/11).

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 in shop windows 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 in store windows and is therefore likely to be seen by a broad audience. The Board considered that the image was strongly sexualised and was not appropriate for viewing by a broad audience.

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.