



Case Report

1	Case Number	0153/11
2	Advertiser	General Pants Group
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	11/05/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A female model with her arms raised and her hands resting on top of the hat she is wearing is standing in front of a calendar page for May 2011. The words SEX are written in large capital letters at the top of the advertisement and covering most of her body is a large censored sticker.

The model appears to have a cigarette hanging from her mouth.

THE COMPLAINT

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

Having a read of the advertising code of ethics I believe it is in breach of section 2. It is appalling that Ksubi along with General pants co would deem sex and the objectivity of a woman to be their means to sell and promote their line. It does not by any means promote the sale of the clothing. Their attempts to make this a controversial way of selling clothing is disgusting and to think that there insincere attempt to censor the ad is a way of 'apologising'? I would like to see the advertisement taken down along with many other people who are disgusted by this. Collectiveshout.org have had major discussions on this matter and it's not an acceptable means of advertising and by all means not relevant to the audience like us who are complaining as well as children who walk past and as questions about the ad. Their recent attempts to 'censor' the ad shows no sincerity. My sister went in to ask about the ad and she was told on Sunday that the ad would be censored. The ad has only been up for a

few days therefore their desire to address all the complaints in a sincere manner has not satisfied the back lash with 'censoring' the ad by simply covering the woman's breasts.

THE ADVERTISER'S RESPONSE

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

After receiving complaints about the original campaign, we 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 had 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 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 noted that it has also considered earlier versions of this advertisement in 0150/11 and 0151/11. The Board noted that the revised advertisement depicts a woman with her arms over her head who is wearing no top – jeans are visible at the bottom of the image with the word sex above her head, however her torso is covered by a sign with the word 'Censored' across it.

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 that the depiction of the woman in this image was objectifying and that the woman was depicted as being a sexual object. The Board considered that this image with the 'Censored' sign over the woman's body was not demeaning and did not amount to discrimination against women. The Board considered that in this instance the advertisement did not breach Section 2.1 of the Code as it did not depict 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 suggests that the woman is not wearing a top but that the depiction of jeans at the bottom of the image suggests that she is wearing jeans. The Board noted that this image on its own depicts a topless woman (although her top is not visible) with her hands over her head and the word ‘sex’ behind her. The Board considered that the use of the word ‘sex’ on its own does not make an advertisement inappropriately sexualised.

The Board noted the broad audience for this advertisement as it is in a shop window but considered that this advertisement, although suggestive of nudity and containing the word ‘sex’ did treat nudity and sexuality with sensitivity to the relevant broad audience.

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

Finding that the advertisement did not breach the Code the Board dismissed the complaints.