



Case Report

1	Case Number	0161/16
2	Advertiser	General Pants Group
3	Product	Clothing
4	Type of Advertisement / media	Internet
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This Youtube advertisement opens on a line up of various young men and women wearing denim jeans and different tops: t-shirts, shirts, bra/bikini tops. The words, "Fit in whoever however wherever" are superimposed over the group and then fade away and we see close up images of the people in different poses. The final scene shows the men and women lined up again but this time they are facing away from the camera. The same text then appears in white.

THE COMPLAINT

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

I find the ad sexist because the women are half dressed while the men are fully dressed. Also the fact that one of the women is topless is clear evidence that the company is sexually objectifying the women in the ad.

This is sexualising and exploiting women.

This kind of advertising is pornographic and is harmful to young people in many ways.

This exposure in a retail setting is extremely abusive.

THE ADVERTISER'S RESPONSE

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

The complaints allege the wording in the Advertisement could be considered offensive due breaches of section 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 AANA Advertiser Code of Ethics (Discrimination or Vilification Gender, Exploitative and degrading, Violence, Sex / sexuality / nudity, Language and Health and Safety). General Pants takes this complaint seriously, disagrees with the complaint and would like the Board to consider the following information in its review.

- *General Pants Co. is a national retailer of popular fashion brands – our business is built on the brands we carefully edit to stock.*
- *General Pants Co. launched our 2016 denim campaign – Fit in*
- *General Pants' 'Fit In - Whoever, However, Where Ever' lead image of our 'Fit In' window display was one of over 150 shots for the campaign. It was chosen as it represented the denim in the best possible light and in retrospect; more consideration should have been made in regards to how the outfits would translate from the waist up. However, we still stand by the original sentiment of the campaign, which is inclusivity – we have the jeans for you no matter who you are, where you come from, or what you do.*
- *The denim campaign was designed by a creative team of both men and women. Their feedback is the campaign was meant to promote the product and accessibility for everyone*
- *Store windows, General Pants Co. website and social channels (such as Facebook) are a portal to our product offering including launch of new denim products*
- *Our Facebook and Youtube channels will maintain the campaign as they contain both negative and positive comments which we prefer not to take down as the comments represent all relevant viewpoints*
- *We will confirm the campaign will be pushed down the channels with new General Pants product content and introduction of new lines*
- *At no time were any such references of discrimination, exploiting or degrading women or to be offensive to the audience in our vision.*
- *The overall message of the campaign is about the collective of denim brands and there were a number of images in the campaign, not a focus on any one image.*

- *We had a competition for the Fit In campaign where winners could receive a weekend trip to Sydney's Pxford Arts Factory to see Deep Sea Arcade, Lime Cordiale, Owen Rabbit, Hedge Fund, Good Boy, Lily & The Bellows, Billy Fox, Ross Henry, Rare Finds DJs, Buddy System DJs by buying denim and all band members would be wearing General Pants denim products*
- *General Pants Co. is a supporter of youth employment (employing 1500 team members annually) and youth related community organisations*
- *We officially partner with Oasis Youth Support Network to provide employment support, event partnerships (City to Surf, Christmas parties), cash and product donations and other like activities as well as Save our Children and would not go to market with offensive imagery or content to our youth or women*
- *One of previous campaigns #GivePeace saw General Pants change our name to General Peace Co and we collaborated with 9 brands to the gift of peace from our limited edition Give Peace collection. 100% of proceeds were donated to Save our Children Australia and The Salvation Army's Oasis Youth Support network.*
- *In 2015, General Pants Co. partnered with White Ribbon – a charity that raises awareness about violence against women. White Ribbon works through primary prevention initiatives involving awareness raising, education, and including programs with youth. General Pants felt that as the leading youth retailer we could play a large part in helping White Ribbon get their message out there to an audience that is generally hard to tap into. General Pants has over 52 stores, an online business and a large social following across multiple channels, reaching over 500,000 people daily.*
- *We employ a 1500 strong work force that used together can draw significant awareness to the campaign/organisation. General Pants employ over 70% women, including 5 out of 8 executive board members, this cause is important to us and we felt we could make a difference.*
- *As part of the partnership General Pants created T-shirts with a positive General Pants/White Ribbon message 'No Excuse for Abuse' relevant for our target audience. Our workforce embraced the campaign through wearing the T-shirts, selling ribbons, pins and wristbands in all our stores across the country and raised over \$25,000 for the cause in less than a three week period. We leveraged our owned channels to get the message to our entire customer base every week. In addition to the dollars that were raised, all our team members were given information about the White Ribbon cause which was organically shared with customers and through their personal social networks.*

Please note Windows will be removed on Monday 11 April 2016.

We have also spoken to the marketing team about the recent campaign feedback and to be aware of our advertising content/imagery for future reference.

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 advertisement is sexist, sexualised and exploitative of women.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this advertisement shows a group of young men and women wearing the advertised clothing product; one of the women has no top on, and is covering her breasts with her hands.

The Board considered that the advertisement portrays all the models as confident and felt that the advertisement did not discriminate against or vilify women in particular, as they were treated as equal in the group and the woman without the top was equally confident.

The Board noted that it is not discriminatory to use an image of a woman to advertise clothing and that although the female is not wearing a top, in the Board’s view she is not depicted in a demeaning manner and is not represented in a less favourable way.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the advertised product is clothing. The Board noted that the practice note for Section 2.2 provides: “Not all images of people who are scantily clad will be unacceptable under this section. This section restricts the use of such images only if they are exploitative and degrading.”

The Board considered that the images of the men and women posing in the context of the advertisement for clothing were not overly sexualised. The models are wearing the advertised products and although one of the women has no top on, her breasts are covered and no model is depicted in a sexualized manner. The Board considered that the models are not depicted in a degrading manner, instead are conveyed as confident and relaxed.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 Board considered that while some members of the community may find this advertisement to be inappropriate, the images of models wearing the available range of clothing was relevant to the product. The Board noted that there are various scenes where both men and women appear topless

The Board considered that while the advertisement does depict some nakedness, the nudity does not expose any private areas at all. The Board noted that the one model’s breasts are not visible throughout the advertisement and her pose as well as that of the other models is not sexually suggestive.

The Board noted that the current advertisement is shown on social media channels of the advertiser and considered that the relevant audience would be broad but would be less likely to be children.

The Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to that broad online audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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