



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0175/18
2	Advertiser	PVH Brands Australia Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement shows five women in white underwear with the Calvin Klein brand name. They are on a red and white quilt, and the quilt appears to be covering two of the women instead of underwear.

THE COMPLAINT

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

The advert is of an overtly sexual nature due to the women posing in their underwear in a bed touching themselves and each other. Two of the women are alluded to be naked under the bed covers.

THE ADVERTISER'S RESPONSE

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



The CALVIN KLEIN underwear and CALVIN KLEIN jeans global advertising campaign shot by photographer Willy Vanderperre. The latest chapter of this new #MYFAMILY campaign features sisters Kim Kardashian West, Khloé Kardashian, Kourtney Kardashian, Kendall Jenner and Kylie Jenner. The siblings are featured wearing styles of CALVIN KLEIN UNDERWEAR that are available in stores now, including CALVIN KLEIN Modern Cotton and the new CALVIN KLEIN Body range.

The evolved #MYCALVINS concept has family at its center, a display of unity between strong individuals, further emphasized by the symbolism of the traditional American quilt. This campaign captures these bonds and brings to life different ways we can inspire families - both born and made - to connect with one another, and celebrate the things that unite us.

The #MYFAMILY campaign was produced under the creative direction of Calvin Klein, Inc.'s in-house ad agency and Lloyd and Co.

We make a number of over-arching points:

(a) Calvin Klein has a strong heritage of iconic campaigns that highlight the products we sell in a bold impactful way. It has been noted by the Board in a previous decision that stylized advertisements of this type are "in keeping with the type of advertising from this advertiser and from other fashion icons" (Case Number 0080/15).

(b) Talent featured in the video are over 18 and sisters.

In reference to Section 2 of the code, we note that the complaint concerns only 2.4, but we have dealt with each part of Section 2 as referenced in your letter for completeness.

2.1 We do not believe that the talents featured in the ad are discriminated against nor any area of the community is vilified by the creative.

2.2 The creative is neither exploitative nor degrading.

2.3 There is no suggestion of violence.

2.4 The talents on the whole are shown clothed in our product, or covered by the Quilt, there is no nudity. No sensitive areas of their bodies are shown. The ad is not overtly sexualized and the imagery is not inappropriate in the context of a fashion advertisement. These products are not aimed at or sold to children. The advertisement is appropriate for today's consumer and attitudes, and treats sex, sexuality and nudity with sensitivity to the relevant audience. We take reasonable steps with media placement to ensure these images are not near Churches or Schools.



2.5 We believe the language used is not contravening the code and is not offensive.

2.6 The ad does not contravene the standards on Health and Safety.

2.7 The Ad is clearly labelled Calvin Klein pointing to our store location and highlighting the concept of Family.

Thank you for the opportunity to respond.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

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

The Panel noted the advertisement depicts five women in white underwear with the Calvin Klein logo on a red and white quilt, and the quilt appears to be covering two of the women instead of underwear.

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 noted the complainant’s concern that the advertisement is of an overtly sexual nature as the women are in their underwear touching themselves and each other, and two appear to be naked under the quilt.

The Panel considered the Practice Note for the Code which states:

“Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product.”

The Panel noted that the women are wearing shirts or bottoms, and there is no excessive nudity or exposed parts of their bodies. The Panel noted that the product being advertised is underwear, and considered that the suggestion of nudity in the advertisement was only mild and was relevant to the product.

The Panel considered the advertiser’s response that the advertisement featuring members of the Kardashian/Jenner family is not overtly sexualized and the imagery is not inappropriate in the context of a fashion advertisement.

The Panel considered that the poses of the women was not sexualised, the underwear



covered their bodies appropriately and there was no inappropriate nudity. The Panel considered that the interpretation that the women in the advertisement were touching each other inappropriately was an interpretation that was unlikely to be shared by the broader community particularly as the women were members of a well-known family.

The Panel noted that the relevant audience for the outdoor advertisement would be very broad and would include children.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

