



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0175-22
2. Advertiser :	Cotton On
3. Product :	Clothing
4. Type of Advertisement/Media :	Internet
5. Date of Determination	10-Aug-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This internet advertisement features a video of a woman (the actor Sydney Sweeney) wearing different styles and colours of lingerie. She is shown in various locations and poses including:

- In a pink bralette lying on a mattress
- In a brown bra and brief set with a cardigan, sitting and reclining on the floor
- In white pyjamas lying on her stomach on a bed
- In a pink bralette and brief sitting on a bed with her arms around her knees looking up at the camera
- In a pink bralette lying on her back on a mattress
- In a brown bra and grey cardigan, reclining on her side on a bench
- Bouncing on a bed on her knees in a white top
- Pulling the cover on a bed over her head

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The Cotton in website leads to its sub brands of Cotton in kids and Typo. The top ad is a video of a girl rolling around in bed in her underwear which very revealing poses. Not appropriate for a site that kids will be accessing.

THE ADVERTISER'S RESPONSE



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

The Advertisement is alleged to be in breach of Section 2.4 of the Code. Section 2.4 requires advertising to treat sex, sexuality, and nudity with sensitivity to the relevant audience. Cotton On strongly refutes that the Advertisement breaches the Code.

Cotton On Body strives to empower women to live the life they want and to show up for themselves and each other. Cotton On Body's target audience is a young female who is looking for a more affordable alternative to activewear and intimates, without compromising on style. The Advertisement launched our new sleep recovery range, as well as our new intimates smoothing range. The aim of the creative was for our Body customer to emotionally connect with the content by showing her how to wear the luxe new product.

The Advertisement depicts Sydney Sweeney, a brand ambassador engaged by Cotton On Body, wearing the new range of intimates and sleepwear. Cotton On Body purposefully partnered with a young, talented and successful actress to inspire our young, female customers. The Advertisement is friendly in nature, with the Ambassador smiling or laughing in majority of the outtakes. The overall feeling conveyed is fun and joy. Cotton On Body's 'intimate' product is designed to make our customer feel good and Sydney Sweeney displays confidence to which our customer can relate to.

Turning to the Code, none of the poses match the 'overtly sexual' description outlined in the AANA Guide to Overtly Sexual Imagery In Advertising noting:

- 1. there are no sexual poses or suggestive expressions;*
- 2. there is no suggestive undressing by the Ambassador. In fact, the Ambassador is seen to cover herself with and the lens of the camera with her hands throughout the Advertisement;*
- 3. products worn are not sheer and the type of lingerie being modelled is relatively conservative compared to some more risqué products/brands;*
- 4. there is no use of paraphernalia in the Advertisement; and*
- 5. to allow our customers to accurately see how the intimates fit on the female body, it is necessary for the product to be displayed in use and in full view. This stands in stark contrast to gratuitous body displays in advertisements for products other than apparel (e.g. a beer advertisement with a woman in a bikini). The product is sleepwear and made of bamboo and we wanted to highlight to our customer that it is amazing to sleep in, which is why it was shot in a bedroom.*

The complainant alleges that the Advertisement is 'not appropriate for kids as it is a gateway to the Cotton On Kids and Typo website'. Although the Homepage of the Cotton On website (where the Advertisement appears) does lead to our other brands (i.e. Cotton On Kids and Typo), the Cotton On website is a shopping platform intended for all customers. The main customer for Cotton On Kids is generally either the



children's family or family friends. The Cotton On Kids and Typo website do not hold any content that is enticing for children to utilise as a form of gaming or entertainment. Additionally, once the customer has navigated to the Cotton On Kids website the Advertisement in question is no longer displayed. Instead, the main banner displayed on the Cotton On Kids section of the website is children laughing on a boat. The main banner displayed on the Typo section of the website is a couple dressed in oversized knit jumpers eating French fries out of a bowl.

Cotton On confirms the Advertisement does not breach any other sections of the Code.

- Section 2.1 provides that advertising shall not portray people 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 orientation, religion, disability, mental illness, or political belief. As mentioned, Cotton On Body's main purpose is to empower women and believes the Advertisement fulfils the purpose.

This Advertisement does not and was not intended to discriminate against any sort of person.

- Section 2.2 provides that advertising shall not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people. Again, Cotton On Body empowers women and encourages women to be their best selves. This Advertisement merely depicts the Cotton On Body Ambassador modelling the product being sold and having fun while she does so. There is no exploitative or degrading imagery portrayed.

- Section 2.3 of the Code requires advertising to not present or portray violence unless it is justifiable in the context of the product or service advertised. Again, there is no possibility for this Advertisement to be considered as 'violent'.

- For completeness, Cotton On considers the remaining sections of the Code to have no application to the Advertisement.

In summary, we are firmly of the view that the Advertisement falls well within acceptable community standards and does not breach the Code. As such, we request the Complaint be dismissed.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement is too sexualised to be displayed in a location where children can view it.

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

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.



The Panel noted the Practice Note for the Code states:

“Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

“Although not exhaustive, the following may be considered to be overtly sexual:

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain a depiction of sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted the advertisement featured a woman in lingerie and that this was a depiction of sexuality.

Does the advertisement contain nudity?



The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted the advertisement featured a woman in lingerie and that this was a depiction of partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that these videos appeared on the Cotton On main page. The Panel noted that the site did sell children’s clothes, stationery and novelty items however considered that the majority of people visiting the store would be adults shopping for themselves or for children.

The Panel noted that the website sold the lingerie products featured in the advertisement and the depiction of the woman wearing the products was appropriate in this context. The Panel considered that the lingerie worn by the woman in the advertisement was not highly sexualised, and the poses of the woman were not sexualised. The Panel considered that the level of sexuality and nudity in the advertisement were mild.

Overall, the Panel considered that the image was not overtly sexual or inappropriate for use in a setting with a mostly adult audience.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.