



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0215/18</b>
2	<b>Advertiser</b>	<b>PVH Brands Australia Pty Ltd</b>
3	<b>Product</b>	<b>Lingerie</b>
4	<b>Type of Advertisement / media</b>	<b>Billboard</b>
5	<b>Date of Determination</b>	<b>09/05/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement shows three women sitting on a red and white quilt in Calvin Klein underwear.

## THE COMPLAINT

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

*I take great offence standing at a public train station with my 8 year old boy next to me whilst having two large images of women in underwear unavoidably in our faces. It is inappropriate. This is at a public train station. We do not have a choice to turn the ad off or go somewhere else as they need to catch a train. I do not think the public should be subject to such images of women only in their underwear. How am I to teach my son to respect women as equal people when they are displayed as sex objects whose only role is to look pretty.*



*We have laws against nudity in public. Someone wearing only their underwear in public would be considered undressed and inappropriate. How is it appropriate to have two images side by side of three larger-than-life women in their underwear. This is at a public train station. The public does not have a choice to turn the ad off or go somewhere else as they need to catch a train. I do not think the public should be subject to such images of women only in their underwear. In our society underwear is supposed to be worn under clothes and not displayed so graphically in public.*

*It is too sexual in nature. Young (and old) people should not be exposed to this kind of imagery in a public space. There is no way to stand on the platform and not view this.*

### **THE ADVERTISER'S RESPONSE**

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

*The current campaign was released globally in January depicts Celebrities and Sisters the Kardashians in Calvin Klein Underwear.*

*The Creative was advertised across Billboards, Transit, Digital and print, specifically this complaint relates to the creative used in the Town Hall station platform.*

*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 three women sitting on a red and white quilt in their underwear.

The Panel 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 or degrading of any individual or group of people."



The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainants' concern that the advertisement depicts the women as sex objects.

The Panel noted that the advertisement featured three women in their underwear and considered that this advertisement did contain sexual appeal.

The Panel considered the women were depicted as comfortable and were not posed in an over sexualised manner. The Panel considered that there was no suggestion in the advertisement that the women were objects or commodities. The Panel considered there was no undue focus on particular body parts of the women, and that the depiction of the women in underwear was directly relevant to the product being advertised. The Panel considered that the advertisement was not exploiting the women.

The Panel considered that the women were shown to be comfortable and in control and that the advertisement did not lower the women in character or quality. The Panel considered the advertisement was not degrading the women.

In the Panel's view, the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, and did not breach Section 2.2 of the Code.

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 complainants' concern that the advertisement is of an overtly sexual nature and features a level of nudity which is inappropriate for a public space.

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 relevant audience for the outdoor advertisement would be



very broad and would include children.

The Panel noted they had previously considered another similar billboard from the same advertiser which featured five women in their underwear in case 0175/18, in which:

“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 pose of the women was not overly sexualised, the underwear covered their bodies appropriately and there was no inappropriate nudity.”

Consistent with the determination in case 0175/18, in the current advertisement the Panel considered that the level of nudity in the advertisement was mild and was relevant to the advertised product.

The Panel considered the pose of the women was not overly sexualised, the underwear covered their bodies appropriately and there was no nudity.

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 complaints.

