



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

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0238-20</b>
<b>2. Advertiser :</b>	<b>PVH Brands</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>12-Aug-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This Internet advertisement features two product listings of an underwear set.

Version 1 – Briefs listing

Image 1 depicts a full body image of a woman in a green, patterned bralette and briefs with her hands by her side

Image 2 depicts a full body image of a woman in a green, patterned bralette and briefs from behind with her hands by her side

Image 3 depicts a close up of the briefs and the woman's stomach

Version 2 – Bralette listing

Image 1 depicts a full body image of a woman in a green, patterned bralette and briefs with one hand on her hip

Image 2 depicts a full body image of a woman in a green, patterned bralette and briefs from behind with her hands by her side

Image 3 depicts a close up of the bralette and the woman's face

### THE COMPLAINT

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



*I think it is pro anorexia and shouldn't be aloud to be included in advertising - young impressionable people will see that image and think that these unrealistic and unhealthy models are what people should look like.*

## **THE ADVERTISER'S RESPONSE**

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

*The Product image is one of our European website models who wears a few items from different ranges on the current Calvin Klein website.*

*The Creative was not advertised externally it is used to showcase the product online.*

*Rationale/Response.*

*The CALVIN KLEIN models selected to display the products on our websites globally are all healthy. Calvin Klein is committed to demonstrate diversity of model talent in terms of shape, bust size, colour and body size, reflecting the breadth of its consumer base. Please refer to a recent campaign image for Calvin Klein run in The US as an example of their commitment to diversity.*

*Indeed, considering the asset in context, the calvinklein.com.au website provides "plus size" products including photographs of talent modeling those items of clothing and underwear (see <https://www.calvinklein.com.au/women/apparel/plus-size>).*

*In reference to Section 2 of the code, we note that the preliminary assessment raises only 2.6, 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 talent featured on the website is discriminated against nor any area of the community is vilified by the creative.*

*2.2 The asset is neither exploitative nor degrading.*

*2.3 There is no suggestion of violence.*

*2.4 The talent is clothed in our product, there is no nudity. No sensitive areas of their bodies are shown. When selling lingerie in an online store environment, it is required to show both back, front and details of an item of clothing. The ad is not overtly sexualized, and the imagery is not inappropriate in the context of a Product image on an online store site. 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.*

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



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

*The talent is plainly not anorexic. Rather, she has a healthy, slim and toned appearance, and is featured in strong, confident poses. She is 1.8m tall (approximately 5'9). She is clearly active, as demonstrated through her toned stomach and arms. Her features are not unrealistic or unattainable through healthy practices.*

*The asset does not contain material that would be contrary to prevailing community standards on health and safety in relation to body image.*

*Calvin Klein selected the talent to promote and celebrate healthy and active women, and not to encourage women to be unhealthy or promote eating disorders.*

*It is respectfully submitted that the complaint should be dismissed.*

*Thank you for the opportunity to respond.*

## **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:

- is promoting eating disorders
- is promoting unrealistic and unhealthy models to young people

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

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the Practice Note to this section of the Code:

*"Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices", and "...where technology is used to digitally alter images of people to such an extent that their body shape, or features, are no longer realistic or attainable through healthy practices, or where the changes are not justifiable in the context of the product or service advertised, the advertisement may breach the Code if it is contrary to prevailing community standards relating to health and safety. Advertisers should refrain from altering images in a way that changes the body shape or proportions portrayed, for example by lengthening a person's legs to the extent they are not in proportion with the rest of their body or tightening their waist disproportionately to*



*the rest of their body, so that the resulting image portrays a body shape or features that are unrealistic or unattainable through healthy practices”.*

The Panel considered each image in the advertisement separately.

The Panel first considered Version 1-Image 1 of the advertisement. The Panel considered that the woman appears to be very thin, and noted that her ribs and collarbone are visible in the image. The Panel noted that the woman’s upper arms and wrists are very thin. The Panel considered that the woman appears gaunt. The Panel noted that her thighs appear to have been thinned using editing techniques based on the significant ‘thigh gap’ visible. The Panel considered that while it could not make a determination on whether the woman depicted is actually unhealthy, most members of the community would consider that the image had been digitally altered and that such a depiction is irresponsible and promotes an unrealistic body image that would be unattainable through healthy practices.

The Panel considered Version 1-Image 2 of the advertisement. The minority of the Panel considered that the woman appeared naturally slim in this image and that the image did not suggest that the woman was unhealthily or unrealistically thin.

The majority of the Panel considered that the woman’s arms appear very thin and bony. The majority noted that the woman’s thighs appear to have been thinned using editing techniques based on the significant ‘thigh gap’ visible, and considered that her buttocks are appeared to have been edited based on their shape. The majority of the Panel considered that this image clearly depicts an unrealistic body shape that is unattainable through healthy practices. The Panel determined that Version 1-Image 2 of the advertisement did breach Section 2.6 of the Code.

The Panel considered Version 1-Image 3 of the advertisement. The Panel noted that the woman’s arms are mostly hidden behind her body in this image. The Panel considered that the close up nature of this image meant that the concerns identified when considering the other images were not visible in this image. The Panel considered that Version 1-Image 3 of the advertisement did not breach Section 2.6 of the Code.

The Panel considered Version 2-Image 1 of the advertisement. The Panel noted that this image is very similar to Version 1-Image 1. As in that image, the Panel considered that the woman appears to be very thin, and noted that her ribs are visible in the image, and that her collarbone is quite prominent. The Panel noted that the woman’s upper arms and wrists are very thin. The Panel considered that the woman appears gaunt. The Panel noted that her thighs appear to have been thinned using editing techniques based on the significant ‘thigh gap’ visible. The Panel considered that while it could not make a determination on whether the woman depicted is actually unhealthy, most members of the community would consider that the image had been digitally altered and that such a depiction is irresponsible and promotes an unrealistic body image that would be unattainable through healthy practices.



The Panel considered Version 2-Image 2 of the advertisement. The Panel considered that the woman's arms appear very thin and bony. The Panel considered that the woman's legs appear to have been edited, particularly around the lower thigh/knee and considered that her buttocks appeared to have been edited based on their shape. The Panel considered that this image clearly depicts an unrealistic body shape that is unattainable through healthy practices. The Panel determined that Version 2-Image 2 of the advertisement did breach Section 2.6 of the Code

The Panel considered Version 2-Image 3 of the advertisement. The Panel noted that the woman's right arm is mostly hidden behind her body in this image, and that while her left arm does appear slim, it is clearly pressed up close to her body and slightly behind her torso. The Panel considered that the close up nature of this image meant that the concerns identified when considering the other images were not visible in this image. The Panel considered that Version 2-Image 3 of the advertisement did not breach Section 2.6 of the Code

Overall, the Panel considered that Images 1 and 2 of Version 1 of the advertisement and Images 1 and 2 of Version 2 of the advertisement would be considered by most members of the community to be contrary to Prevailing Community Standards on health and safety in relation to body weight. The Panel determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

In light of the Community Panel's Determination, we confirm that we have discontinued the product images the subject of the Determination and have removed the product from the website. Thank you again for the opportunity to respond.