



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0239-22
2. Advertiser :	General Pants Group
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	26-Oct-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement features scenes of various women in different swimwear styles and colours.

THE COMPLAINT

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

This porn style promo is running on a loop on oversized screens in shop windows in family friendly shopping centres. Countless children passed them - is General Pants intentionally grooming children? Because that is the effect such degrading, objectifying and porn themed ads have on children. Completely irresponsible advertising, reducing women to exposed, sexualised body parts in this way. Unconscionable corporate behaviour - I hope the Community Panel will issue a meaningful and timely ruling on this and send the message to General Pants that this is unacceptable advertising for the public space.



THE ADVERTISER'S RESPONSE

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

The complaint that has been raised is in relation to the General Pants Co Summer launch campaign which launched on the 21st of September '22, 4 weeks ago. The window imagery comprises only part of the campaign with varying product focuses and unisex content across multiple touchpoints within our physical and digital environments.

The campaign is featured in our 61 stores across AUS + NZ and our global website and has been live for 4 weeks. We see 220k+ people through our 61 stores every week, 200k web site sessions per week and have 580K audience across our social platforms which the campaign has been featured in and to date have received 3 location specific complaints - Karrinyup WA, Perth DFO WA and Robina QLD (this complaint is not included in the case and came direct via our internal Customer Service channel).

Our Womenswear Swim Business is a large part of the summer category launch and to date, has driven 12% of total women's apparel business, hence taking the focus for the hero assets that appear in the window.

Reviewing the complaint we strongly disagree and refute the outlined themes raised and the accompanying campaign collateral supports this.

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 objectifying and degrading towards women
- reduces women to exposed, sexualised body parts
- 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 2.2: Advertising 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.

Does the advertisement use sexual appeal?

The Panel considered that the depiction of women in swimwear is one which some members of the community would consider to contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement was for swimwear available in the store and considered that it was reasonable for the women to be depicted wearing that product in the advertisement.

The Panel noted that the women are depicted suntanning and relaxing in their swimwear and that a significant amount of their bodies are shown. The Panel further noted that there are close-up scenes of the women's bodies however considered that this was used to show the different features of the swimwear (material, patterns).

The Panel considered that it was clear from the advertisement that the product for sale was not the women, and that the women were not depicted as an object or commodity. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the women was relevant to the promotion of swimwear and this did not lower the women in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

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 women are not engaging in sexual activity, rather are posed in a manner to show off the product. 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 close-up images of women in swimwear and considered that some viewers may interpret this as 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 swimwear 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 this video appears in store windows and considered that the relevant audience includes retail workers, people shopping in the General Pants Co store and people who are not shopping at General Pants Co but who are walking past the store, and that this last group would include children.

The Panel noted that the product being advertised is swimwear product and that the women are wearing the product. The Panel considered that the outfits of the women were appropriate to the suggested scenario of sunbathing at a beach or pool and that it is reasonable for an advertiser to highlight the women’s bodies in the promotion of a swimwear product.

The Panel noted that the women were not moving or posing in a provocative manner and that the bright colours added a playful feel to the advertisement rather than a sexual tone.

Overall, the Panel considered that the video was not overtly sexual or inappropriate for use in a setting where a broad audience would view the advertisement.

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.