



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

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Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0249-22</b>
<b>2. Advertiser :</b>	<b>General Pants Group</b>
<b>3. Product :</b>	<b>Clothing</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>9-Nov-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### 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 a combination of nine images of various women in swimwear.

Image one depicts a woman in a blue bikini. She is lifting her swimwear bottom by the side straps.

Image two depicts a woman's lower half. She is wearing green bikini bottoms and one leg is raised.

Image three depicts women's upper bodies in pink bikini tops.

Image four depicts a woman's upper body in a pink bikini top. Image five depicts three women reclining in yellow swimwear.

Image six depicts a woman's buttocks in blue swimwear.

Image seven depicts the lower bodies of two women wearing green swimwear. Their legs are apart.

Image eight depicts a woman's buttocks in green and white swimwear.

Image nine depicts a woman's chest in a yellow bikini top.

### THE COMPLAINT

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

*The advertisement features a collage of close up photographs of female swimwear models highly focussed on the genital, buttocks and breast areas, the majority without*



*other context or showing the faces of models. The posing and positioning of the models is highly suggestive and essentially pornographic. In particular, the prominent position of the bottom row middle photograph in the overall context of the poster. The large size (approx 3 x 3.5m) and location of the advertisement is in an area of high public traffic. It is degrading and objectifies women to an unacceptable and unnecessary degree.*

## **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. 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 6 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
- 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 in their swimwear and that a significant proportion of their bodies is shown. The Panel further noted that there are close-up pictures 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 women.

### **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 women 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 poster 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 would include children.

The Panel noted that the product being advertised is swimwear and that the women are wearing the product. The Panel considered that the outfits of the women were appropriate to the suggested locations of 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 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 poster 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.