



**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>0296-21</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>27-Oct-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This poster advertisement depicts a woman leaning against a wall with one leg raised. She is topless and wearing jeans, with long hair covering her breasts.

### THE COMPLAINT

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

*There's a massive floor to ceiling poster of a woman with her breasts out. It's porn. She's topless with her long hair covering her nipples. It's pornography.*

### THE ADVERTISER'S RESPONSE

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

*'Rollas featuring Sofia Richie' campaign is a global campaign for Rollas (denim brand). This is an annual campaign that we have run for the past 2 years featuring US talent Sofia Richie.*



*The content/campaign imagery is part of the global content produced by the Rollas brand which we have executed across our channels in both AUS & NZ and has been live in market for almost 4 weeks (launch 22.09.21).*

*In partnership with our brand partners at Rollas, this campaign went through a formal screening and sign off process with Executives and relevant departments within the General Pants Co. business before going live (the same approval process we hold for all our go-to-market strategies/campaigns) and do not believe that this visual and the broader 360 campaign execution across our channels breach any advertising standards or the direct concern raised regarding pornography.*

*This campaign has been live for nearly 4 weeks across 63 physical store locations across 2 markets, featured on our global online site and across our social channels including Instagram, Facebook and TikTok with only positive engagement and performance results.*

## **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 very large and is pornographic.

The Panel viewed the advertisement and noted the advertisers response.

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*"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 noted that there is a single woman depicted and she is not engaged in sexually stimulating behaviour. The Panel considered that the advertisement did not contain 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 considered that the depiction of a topless woman may be considered to be sexualized by some members of the community. The Panel considered that the advertisement did contain 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 that the advertisement features a woman wearing jeans and no shirt with her hair covering her breasts. The Panel considered that the advertisement did contain 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 image 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 a topless woman may be considered to be unrelated to advertising a jeans product, however considered that the advertisement is intended to focus on the jeans. The Panel noted that the woman’s legs, and the jeans, make up the majority of the image.



The Panel noted that while the woman is not wearing a shirt her nipples are not visible due to the long hair covering her breasts and the Panel considered that the nudity in the image is mild.

The Panel considered that the woman does not have a sensuous or suggestive facial expression, rather she appears poised and in a relaxed pose.

The Panel considered that the sexual element of the advertisement was mild and not overt and was not inappropriate for a broad audience that would include children.

#### **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.