



Case Report

1	Case Number	0305/16
2	Advertiser	Cotton On
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	27/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Nationality
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is a poster image of a female model standing and looking over her shoulder wearing a pink bra and underwear set. The text reads “Your favourite Brazilian our barely-there braziliano \$9.95”. The model is also wearing a “carnival” style head piece and is surrounded by a pink glitter/confetti border.

THE COMPLAINT

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

I object to this advert because it has no place in a shop window where it can be seen by minors.

It is soft porn-like, there are many of these images. However, I feel this pushes the line, size, location and content. It definitely does not support the healthy body image and non-sexualisation of girls. I am not a feminist or have extreme views around this, however, it is quite in your

I find this image and text offensive because:

- 1. it is displayed publicly and has partial nudity.*
- 2. It is very suggestive, looks like soft core porn.*
- 3. It is racist.*
- 4. Portrays Brazilians in a sexual stereotype.*
- 5. Some of the posters had miss-spelt Brazilian.*
- 6. Is demeaning to women.*
- 7. Negative portrayal to Brazilian women, and non-Brazilian women.*

The underwear is so skimpy that more than half of her bottom is showing and the rest of it can be seen through the lace underwear. It is extremely revealing and so inappropriate for kids to be seeing this. As a mother of 3 young boys, how are we meant to raise them to respect girls and women when they flaunt their bodies like this?

Really shocked and appalled at the giant hanging poster photo of a huge almost-naked women's bum advertising 'Brazilian briefs' at Cotton On Body in Hornsby today. It can be seen by the entire shopping area in the vicinity. I had five children with me today who also had to sit and eat lunch looking at this borderline porn advertising and I felt it was overly graphic and in your face. It's humiliating and demeaning to advertise this way. To use the lowest tactics to garner the most amount of attention.

THE ADVERTISER'S RESPONSE

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

We refer to the complaints lodged with the Advertising Standards Bureau regarding our Cotton On Body advertisement at our stores in Hornsby, NSW and Waurm Ponds Victoria ("the Advertisement"). The Advertisement is alleged to be in breach of Section 2.4 of the Code. Section 2.4 requires advertising to treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Advertisement is a poster image of a female model standing and looking over her shoulder wearing a pink bra and underwear set. The type of underwear is known as a "Brazilian cut". The text reads "Your favourite Brazilian our barely-there braziliano \$9.95". The model is also wearing a "carnival" style head piece and is surrounded by a pink glitter/confetti border.

The image is part of a new campaign celebrating both the forth-coming Olympics in Rio De Janeiro and the current trends around the Brazilian underwear silhouette.

The Advertisement is targeted to women who may be interested in purchasing our new style of lingerie available for sale in our Cotton On Body stores. This is supported by the Advertisement including the Cotton On Body logo. Such a purpose would be difficult to achieve without having the lingerie displayed on an adult model.

The level of nudity is relevant to the specific lingerie which is being advertised. The lingerie displayed does not result in excessive or inappropriate exposure. We also consider the pose of the model to be sensitive to the relative audience and not inappropriate, offensive, exploitative, degrading, sexualised or suggestive.

We refer to our letter responding to initial complaints regarding our Cotton On Body advertisement. We now write to address an additional complaint lodged with the Advertising Standards Bureau on 18 July 2016 regarding the advertisement (“the Advertisement”).

The Advertisement is alleged to be in breach of Section 2.4 of the Code Requiring advertising to treat sex, sexuality and nudity with sensitivity to the relevant audience, which has been addressed in our letter of 14 July 2016, and confirm that the advertisement is aimed at current trends around the Brazilian underwear silhouette, which requires the model to be dressed in such underwear.

This additional complaint also alleges a breach of Section 2.1 of the Code regarding discrimination or vilification of nationality.

We again confirm that the image is part of a new campaign celebrating both the forth-coming Olympics in Rio De Janeiro. This is represented by the model is wearing a “carnival” style head piece and surrounded by a pink glitter/confetti border to represent a rio-carnival vibe.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement portrays high levels of nudity and is offensive to Brazilians.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that the advertisement is a poster outside a Cotton On Body outlet. There are two images of women on the poster, one image is a side view of a model in lingerie wearing a loose shirt and the other image shows a model in lingerie from the rear, looking over her shoulder.

The Board noted the advertiser's response that the image is part of a new campaign celebrating both the forth-coming Olympics in Rio de Janeiro (represented by the model wearing a 'carnival' style head piece and surrounded by a pink glitter/confetti border to represent a Rio-carnival vibe) and the current trends around the Brazilian underwear silhouette. The Board considered that the theme of the advertisement as Brazilian was not intended to discriminate or vilify Brazilian women as there was a clear link identified with the current Olympics in Rio and also the particular brand of the underwear and, as such, the advertiser was using a play on words.

The Board noted that it is reasonable for an advertiser of lingerie to use their products in their advertising and considered that it is not of itself discriminatory to show women advertising a product aimed at women.

The Board noted that the models are not posed in an overtly sexualised manner and the woman shown from the rear is presented as looking flirty and confident. The Board considered that the advertisement is clearly directing the audience (women) to examine the advertised product. The Board considered that the image of the women does not depict the women as objects and did not discriminate against or vilify women.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender or race.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement complied with Section 2.2 of the Code which states, "Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted that the image is featured on a poster and depicts two female models wearing underwear, with one posing with her rear to the camera. The Board considered that in the latter case the overall focus of the advertisement is on the product and that the woman is presented in a manner which is consistent with lingerie advertising. The Board considered that the woman is presented in a confident manner and is not depicted in a degrading or objectified pose.

The Board considered that the advertisement did not depict material which was exploitative or degrading to women and determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 Board noted that the images feature women wearing lingerie. The Board noted the pose of the models and considered that they appear to be healthy and confident. The Board considered that the pose of the models is not sexualised, the models are not posing

suggestively, and there is nothing seductive in the nature of the pose of their bodies. The Board noted the style of lingerie worn by the women in the images and considered that although it is sexy underwear it is not revealing and the poses of both women are not sexualised or inappropriate.

The Board noted that the complainants appear particularly concerned by the image of the woman in lingerie shown from the rear. In this image, the Board noted the lingerie fully covers the woman's breasts and her bottom is partially exposed given the cut of the Brazilian pants, however her genitals are not visible. The Board considered that the size of the image, as a poster, means that the level of nudity appears high.

The Board acknowledged that some members of the community would prefer that lingerie not be advertised in this manner but considered that it is reasonable for an advertiser to show its product being worn in the intended manner. The Board also noted that advertisers are allowed to advertise the products available to purchase from within their store as long as the advertising complies with the Code.

The Board noted that the advertisements are featured on posters facing outwards to shoppers passing by and feature women wearing products that are available for purchase in store. The Board considered that it is reasonable to expect a lingerie advertisement to feature imagery of lingerie and noted that the advertisements are aimed at women seeking to buy lingerie. The Board noted that as the poster is in a window of a shop the relevant audience would be broad and would include children, and acknowledged that some members of the community may be offended by images of lingerie clad women in shopping malls where children can see them.

A minority of the Board considered that the angle focusses on the model's bottom and she appears flirtatious and sexualised and that this image does not treat nudity and sex with sensitivity to the relevant broad audience.

The majority of the Board considered, however, that the focus of the advertisement is the high cut style of the lingerie and that the pose is not strongly sexualised. The majority of the Board noted that in the image both women's private areas were covered by the lingerie. The majority of the Board noted the broad audience of people in a shopping centre and considered that these two images did treat nudity with sensitivity to this broad audience.

In this instance, the Board considered that consistent with previous determinations in cases 0304/14, 0419/14, 0448/15, 0177/15, 0331/15, 0373/15, 0384/15 and 0235/16, the current advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted the complainant's concern that the model appears to be underage. The Board considered that whilst the model does look youthful she does not appear to be underage. The Board considered that the pose of the model and her clothing amount to an overall depiction of a young healthy woman and not an underage girl.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board

dismissed the complaints.