



Case Report

1	Case Number	0317/16
2	Advertiser	Cotton On
3	Product	Lingerie
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	27/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Nationality
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement is an 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 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 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 on 5 July, 11 July and 18 July 2016 regarding our Cotton On Body advertisement at our stores ("Advertisement").

This additional complaint lodged on 19 July refers to the same in-store Advertisement mentioned above that is replicated on our website and social media platforms.

In our response letters 14 July we addressed the alleged 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, and we again 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.

In our response letter of 22 July we addressed an additional alleged breach of Section 2.1 of the Code regarding discrimination or vilification of nationality, confirming 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 Advertisement is targeted to women who may be interested in purchasing this new style of underwear.

We again confirm that 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.

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 complainant's concerns that the advertisement has partial nudity akin to soft porn, is racist and a demeaning and negative portrayal of women.

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 appears on a Facebook page and shows the Cotton

On Body poster with two images of women - 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 does 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 Facebook page 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 advertisement is on a Facebook page. The Board considered that the relevant audience would be people accessing Facebook, therefore predominantly over the age

of 13 years. In context of Facebook, the Board considered that people searching for Cotton On products would be people interested in women and young people's clothing and lingerie and would be expecting to see those products on display.

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 the complainant's concern that the advertisement is soft porn and that 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 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.

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 even to the more limited Facebook 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 0044/13, 0448/15, and 0235/16 the current advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which in the case of Facebook, would be people specifically looking for clothing, including lingerie and would be primarily people over the age of 13.

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.