



Case Report

1	Case Number	0330/15
2	Advertiser	Target Australia Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features items available from Target including clothing, lingerie, homeware and towels. Women of different ages and shapes are shown dancing in underwear and the female voiceover uses the phrase, "Yay" repeatedly to highlight the various products advertised.

THE COMPLAINT

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

I had just sat down to relax and enjoy my dinner when a parade of naked obese girls danced around on my screen. I felt sick. In fact I still feel sick.

I strongly object to the revealing of women in underwear on free to air advertising, particularly during prime time. It is objectifying women, and as a mother of small boys I strongly object to the pornographic nature of this advertising.

THE ADVERTISER'S RESPONSE

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

We refer to your letter regarding the complaints received in relation to the TVC for women's clothing in the YAY campaign Target Australia Pty Ltd (Target) is currently conducting.

The YAY TVC (v1 'For every body') forms part of the suite of YAY campaign advertisements promoting Target's products, including underwear. Further advertisements will feature homewares, children's wear and menswear.

The YAY TVC was provided with a CAD rating of W, with a CAD reference WISQPROA. It has been displayed to the public in the time slots that accord with that rating from 12 August 2015.

The TVC features a range of women and two children celebrating Target's product range meeting their needs and expectations. It emphasizes quality, fit and style. The advertisement includes a representative group of women of wearing a range of Target's underwear for women to which the complainants have taken exception. The women wearing underwear are all post-adolescent and come from a variety of ethnic backgrounds. They are shown in relaxed, natural poses and have a range of normal body shapes found within the Australian community. The images seek to emphasize that the range of underwear available for women at Target fits well and is comfortable.

Target is strongly supportive of women feeling good about themselves and has a clearly documented history evidencing this stance. The TVC recognises that how women feel about their body and how well their clothing fits plays an integral part in many women's feelings about themselves and how they feel they are perceived. Feeling like you are wearing the right clothing in the right size for you makes a big difference to how you feel about yourself.

We respectfully disagree with the complainants. The images in the TVC do not objectify women nor is it pornographic. Target does not view bodies as the only measure by which women should be valued. The target market for the advertising is women and the main message is that the Target range of clothing, including underwear, is accessible to the Target customer. We consider the advertisement to be appropriate and in line with Target's brand values.

We consider that the advertisement is appropriate for and reflective of our target market and would not offend the sensibilities of the general public within the context of an advertisement for women's clothing.

Target submits that the advertisement does not fall within the definition of an "Advertising or Marketing Communication to Children" as set out in section 1 of the Children's Code. The advertisement is not primarily directed to children aged 14 years or younger and is not an advertisement for a product which is targeted toward or has principal appeal for children.

Target does not consider the advertisement to breach any part of Section 2 of the AANA Advertiser Code of Ethics (the Code) or the AANA Code for Advertising and Marketing Communications to Children (the Children's Code).

The relevant sections of the Code you have asked Target to consider in our response provide as follows:

2.1 *Advertising or marketing communications shall not portray people 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.*

2.2 *Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

2.3 *Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

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

2.5 *Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

2.6 *Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

We note that section 2.1 of the Code prohibits advertising or marketing communications that “portray people 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 models in our TVC are drawn from a range of ethnic groups and is intended to be inclusive not discriminatory. We consider that the advertisement does not breach section 2.1 of the Code.

Section 2.2 of the Code provides that advertising should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. Target strongly refutes that the images in the TVC could be considered exploitative or degrading. The images of the women in underwear are positive: showing the models feeling good about what they are wearing. The images are not sexualised or provocative, but rather, celebratory. It is designed to encourage women to feel good about themselves whatever their shape.

Section 2.3 provides that advertising should not present or portray violence unless it is justifiable in the context of the product or service advertised. There is no violence depicted in the TVC.

The complaint relates to section 2.4 of the Code requiring “sex, sexuality and nudity with sensitivity to the relevant audience”. We submit the brief images of women in underwear would not be considered pornographic, sexual or exploitative by the general community. The women are wearing bras pants which cover as much or more than bikinis. We consider the underwear to be tasteful, not sheer or tawdry. In our view the advertisement does not breach section 2.4 of the Code.

Section 2.5 of the Code requires only language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). The advertisement has no language which might be considered inappropriate. We consider the advertisement does not breach section 2.5 of the Code.

Section 2.6 provides that advertising should not depict material contrary to Prevailing Community Standards on health and safety. We do not consider that there are health and safety concerns attached to the advertisement. We consider the advertisement does not breach section 2.6 of the Code.

Target is committed to upholding the standards of the Code in its advertising and appreciates your review of our response to these complaints.

Additional Complaint:

We refer to our letter of 24 August and the response set out in that letter. We seek to rely on the content of that letter in response to the further complaint and provide the additional material in response to the further complaint.

We respectfully disagree with the complainant. The women in the advertisement were not naked.

The complaint relates to section 2.4 of the Code requiring “sex, sexuality and nudity with sensitivity to the relevant audience”. In our view the advertisement does not breach section 2.4 of the Code.

The images of the women in underwear were brief and formed only a small portion of the overall advertisement. The women are wearing bras and pants which cover as much or more than bikinis. We consider the underwear to be tasteful, not sheer or tawdry. The women are portrayed in a manner intended to celebrate the fit and quality of Target’s clothing for a range of women’s body types. We consider that the advertisement is appropriate for and reflective of our target market and would not offend the sensibilities of the general public within the context of an advertisement for women’s clothing.

Target is committed to upholding the standards of the Code in its advertising and appreciates your review of our response to these complaints.

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 features women in underwear dancing and that the nature of the advertisement is pornographic and not appropriate for children to view.

The Board noted the complainant’s concerns that the “parade of naked obese girls” makes them feel sick. The Board noted that advertisers are free to use whomever they wish in an advertisement and the complainant’s concern over the size of the models does not fall under the provisions of the Code.

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

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 this television advertisement features different products available to buy from Target.

The Board noted the complainants' concerns over the use of women in underwear.

The Board noted it had previously dismissed similar complaints in cases 0295/15, 0320/15 and 0329/15 and considered that consistent with these previous determinations, it is reasonable for an advertiser to depict their products being worn in advertisements.

The Board noted the style of lingerie advertised and considered that the woman's private areas are covered, the style of lingerie is not sexualised and the poses and dance moves of the woman are not sexualised or inappropriate. The Board considered that most reasonable members of the community would agree that the content of the advertisement is not pornographic but rather a celebration of freedom.

The Board noted that the advertisement had been rated 'W' by CAD which means it can be viewed by a broad audience including children. The Board considered that the content of the advertisement is not sexualised and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.