



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

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| 1. Case Number : | 0341-20 |
| 2. Advertiser : | 69Slam |
| 3. Product : | Clothing |
| 4. Type of Advertisement/Media : | Internet |
| 5. Date of Determination | 25-Nov-2020 |
| 6. DETERMINATION : | Dismissed |

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 depicts the lower half of a woman wearing underpants with coconuts on them. There are 5 straws protruding from the waistband of her underpants, and a man is shown with his mouth around one straw and the woman's hand on his face.

THE COMPLAINT

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

inappropriate for children and demeaning to women.

THE ADVERTISER'S RESPONSE

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

The image is a photo of a woman in a coconut printed underwear with straws sticking out and a man drinking from it. It is suppose to be playful and be that the man is drinking a coconut.

We are an underwear and swimwear company with a moto "PLAY LOUD". Our images are not convential and mainstream.. The image related to the case ID is working well



in Western world countries with zero authority or similar bodies complaints at millions of impressions (around 750K in ANZ)...Could you please review this case?

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 concerns that the advertisement was inappropriate for children and demeaning to women.

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

Section 2.2: Advertising or marketing communications 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 noted the advertisement features a woman's torso wearing the promoted underwear, and a man's head and bare shoulders. The Panel considered that the woman had drinking straws sticking out of the rim of her underwear and she was posed with her hand on the man's face. The Panel considered that the intimate pose combined with the woman's depiction in underwear was a depiction which contained sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement's focus on the woman's torso and groin was relevant to the product being promoted.

The Panel considered that the woman's hand caressing the man's face showed that she was an equal participant in the situation, even though her face was not shown. The Panel considered that the depiction of the straws protruding from the woman's underwear was a reference to the coconut design on the underwear and was not a suggestion that the woman was an object for consumption.



The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the woman was depicted as an equal participant in the situation and that the advertisement depicted a light-hearted interaction between a couple. The Panel considered that the advertisement did not lower the woman 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 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:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction of the man drinking from a straw which is protruding from the woman’s underwear may be a suggestion of oral sex. The Panel considered the advertisement contained sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express



sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel noted that the intimate interaction between the man and woman was a depiction which contained sexuality.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.

The Panel noted that the woman's bare torso and upper legs were visible, and that her genitals were appropriately covered. The Panel noted that the man's bare chest and shoulders were visible. The Panel considered that the advertisement contained a low level of nudity.

Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel noted that the advertisement appeared on a news website and the relevant audience would be primarily adults.

The Panel considered that some members of the community may consider the advertisement to be a reference to oral sex. However, the Panel considered that the most likely interpretation of the advertisement was a light-hearted interaction between two people which related to the coconut design on the underwear.

The Panel considered that the level of nudity in the advertisement was mild and not inappropriate for the relevant audience.



The Panel considered that while the interaction between the man and the woman was intimate, it was light-hearted, not explicit and was not inappropriate for a mostly adult audience.

The Panel considered that the level of sex, sexuality and nudity in the advertisement was appropriate for the relevant audience.

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.