



Case Report

1	Case Number	0344/14
2	Advertiser	Target Australia Pty Ltd
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Television commercial for women's apparel featuring women modelling various clothing and lingerie available at Target. The backing track is a song called 'Big Parade' by The Lumineers.

THE COMPLAINT

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

The ad clouded a woman standing in her underwear. The program was a children's program (alladin) aimed at children and families. My children saw the ad and complained as much as me. They do not see me in my underwear and they should not be forced to look at someone else in their underwear. I think the slot for placing this ad was inappropriate for young viewers.

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 complaint received in relation to the television commercial (TVC) for women's apparel which was recently broadcast on free to air and pay tv.

The TVC is part of a campaign featuring the song 'Big Parade' by the US folk rock band, The Lumineers. The TVC forms part of three advertisements being produced with the same sound track for the Target Spring campaign. As well as the women's apparel television commercial, there is one which will focus on homewares and one which will focus on children's apparel.

The sound track for the TVC was chosen for 2 reasons – firstly it has a bright, positive and upbeat energy, which captures the positive feeling heading toward Spring in order to launch the new Spring range for Target; secondly, it has a distinctive continuous 'clapping' beat. The creative idea in the commercial requires that words appear as graphics throughout the commercial. These words have been designed to appear on beats within the music and the 'claps' in this track are considered the perfect element to make these words appear on the beat.

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 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.

2.4 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.

The complainant is offended by the use of the song in the TVC as "It uses the very words of the Hymn "Amazing Grace" which come from the Bible, out of context, in a mocking way (parody) to promote a man's lust for scantily clad women".

The TVC is for a Spring range of women's apparel. The TVC is 45 seconds duration and depicts women in every day situations wearing Target clothing. The image of a woman in underwear is shown for approximately 4 seconds, and is not sexualised in any way.

As previously indicated, the sound track was chosen because of its bright, positive and upbeat energy, and because of the distinctive continuous 'clapping' beat, so that words appear on the beat. It was not intended that the lyrics of the sound track would have any deeper meaning in relation to the imagery of the women in the TVC or that one line in the sound track may contain similar wordings to the hymn "Amazing Grace" played any role in the

decision to include this sound track in the TVC. Indeed this is demonstrated by the use of the sound track for two further television commercials for homewares and children's apparel.

Accordingly 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 apparel.

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". We consider Target's choice of sound track does not discriminate against or vilify any particular religion practiced by people in the community. We submit that the TVC does not vilify women or objectify them. We consider that the advertisement does not breach section 2.1 of the Code.

We submit the images would not be considered sexual or exploitative by the general community. We consider that 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). Strong or obscene language shall be avoided. Target submits that the language used in the advertisement is appropriate. 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 complainant's concerns that the advertisement features a soundtrack based on a Christian hymn which is offensive and inappropriate due to the accompanying images of a woman in lingerie.

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 the advertisement features clips of people wearing a range of clothing items available to purchase from Target.

The Board noted it had dismissed this advertisement in its Pay TV format in case 0337/14 where: "The Board noted the complainant's concern that the soundtrack is "a parody" of the Christian Hymn Amazing Grace. The Board noted the advertiser's response that the song used in the advertisement is a song by a US Folk music band called The Lumineers and that this song was chosen because of its happy and upbeat nature.

The Board noted the lyrics of the song used in the advertisement and considered that the words and style of the song are very different to Amazing Grace and in the Board's view

most members of the community would not consider this song to be parodying Amazing Grace and in any case previous decisions regarding the use of a hymn in an advertisement have considered that it is not in itself a breach of the Code to use a hymn. The Board considered that the song used in the advertisement would be unlikely to cause offense to anyone, Christian or non-Christian.”

Consistent with this previous determination the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person on account of their religious beliefs.

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

The Board 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 one scene in the advertisement features a woman wearing white lingerie. The Board noted it had previously considered many similar advertisements including case 0354/12 where: “The Board noted that it is reasonable to expect an underwear advertisement to feature imagery of underwear and considered that the manner in which the underwear is presented in the advertisement is appropriate.

The Board noted that all woman featured in the advertisement appeared to be adult and considered that the advertisement did not present the women in a manner which was sexualised.”

In the current advertisement the Board noted the scene featuring a woman in lingerie is very brief and considered that the style of lingerie she is wearing is not sexualised and does not reveal any of her private areas. The Board noted the pose of the woman and considered overall that she is not presented in a manner which is sexual or sexualised.

The Board noted that the advertisement had been rated ‘G’ by CAD.

The Board noted the complainant’s concern that children should not see a woman in her underwear but considered that the level of nudity is very mild and not inappropriate for a broad audience which would include children.

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 complaint.