



Ad Standards Community Panel
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AdStandards.com.au

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Case Report

1. Case Number :	0353-19
2. Advertiser :	Pretty Little Thing
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Pay
5. Date of Determination	23-Oct-2019
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 television advertisement features a woman driving a white car in the desert. The woman is then seen seated in the back of the vehicle, she is wearing a white bikini and white knee-high boots.

A model is seen getting out of the parked vehicle, she is wearing a leopard print one-piece swimsuit with white boots and a white hat. She then poses in front of the vehicle.

A model is then shown wearing a fluoro yellow opaque dress with underwear underneath.

A model is shown leaning against the bonnet of the car wearing denim shorts and a pink bikini top.

A model in a green bikini walks towards a motorbike parked in the desert and climbs onto it, posing.

A model wearing a white t-shirt and rainbow bikini briefs is then seen posing on the bike.

A model wearing a blue dress walks in the desert with her hands raised over her head.

A model wearing an orange bikini poses in front of the car.



THE COMPLAINT

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

The advertisement shows young women wearing 'swimwear' lingerie in provocative, sexualised, and demeaning poses. Much of the advertisement is focused on the womens breasts and buttocks, with these prominently exposed and exaggerated. The clothing and posing is extremely revealing and sexual in nature.

This sort of advertising is irresponsible showing young girls overly sexualised and promoting this as beauty

Irresponsibility to represent clothing that sexually to the teen market sending a very distinctive message

I don't appreciate my family being subjected to this in mainstream TV hours or even at all.

Highly sexist, contributes to a wider and growing problem of harassment abuse chauvinism, body image issues and eating disorders

Stop promoting sex and near nudity as beautiful to our youth

Completely destructive and disgusting

Take responsibility for what you are promoting!!

The entire advertisement is beyond provocative and borders on soft porn is unnecessary and should be banned

Has a major negative impact on Male and female teens minds and impacts our adult society

Get rid of it

I found it offensive and inappropriate. One of the worst ones yet. Too much showing of bottoms. Dont think its appropriate for children to see these ads from clothing companies. Its hard enough for young girls. These ads look like they are aimed more at men. Would prefer they be on late at night when kids asleep.

Sexual content not suitable for general screening in an early evening time slot

The sexualisation of women, g string partial nudity, the girl looked young, the sexual positions she was suggesting is not appropriate when there is no pre warning of content like programs/movies. I had no choice to not watch it. We would never see men portrayed like this in adverts. Please don't reply that it is acceptable as she was confident, i am sure there are women in pornographic movies that act confident. If Adventure World think it is not appropriate for families then why is it in G rated adverts that are for all tv viewers. Very offensive.

THE ADVERTISER'S RESPONSE

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



There is no sexual content in this ad (2.4), discrimination or vilification (2.1), exploitation or degrading (2.2), Violence (2.3), Language (2.5), health and safety issues (2.6) and is distinguishable as advertising (2.7)

PLT takes matters such as these extremely serious. On this occasion, PLT challenges the complainants' belief that the advertisement is inappropriate.

In this particular instance, PLT are advertising their swimwear collection and it is reasonable for an advertiser, such as PLT to use an attractive model to showcase such seasonal items available for purchase.

The clothing items are relevant to the target audience and are reflective of current fashion trends and the current weather in season. Models are not displayed in a suggestive or sexual manner.

The advertisement does not feature explicit nudity and we believe it communicates the products with sensitivity, as per Section 2.4 of the Code of Ethics.

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 complainants' concerns that the advertisement is sexualised and sexually suggestive, is pornographic, is exploitative and degrading of women and airs at a time when children would be viewing.

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

The Panel noted that Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) 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 - means (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."

The Panel noted that the advertised product is clothing and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the style of the clothing the women were wearing in combination with the womens' poses did constitute sexual appeal.



The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that the clothing being advertised is skimpy in nature and the women modelling are buxom, and considered therefore that there is a lot of the women's skin and breasts visible due to the nature of the clothing being advertised and the models themselves. However the Panel considered that the close up scenes of the models are focussed on the product being advertised and are not gratuitously directed at the models' bodies.

The Panel considered that the women in the advertisement are depicted in activities where they are in control and depicted in a manner that appears confident and comfortable in the clothing they are modelling. The Panel also noted that the women are depicted in a manner that is similar to that used in music videos by male rap stars and that in this case the women are the focus of the activity. The Panel considered that the women were not depicted in a manner that was exploitative or degrading of women.

The Panel determined that the advertisement did not employ sexual appeal that was exploitative or degrading of any person or group of people and therefore did not breach Section 2.2 of the Code.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

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."

The Panel noted the complainants' concerns that the advertisement is sexualised and sexually suggestive, is pornographic and airs at a time when children would be viewing.

The Panel considered whether the advertisement depicted 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 women in the clothing shown is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement contained 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 of itself a depiction of sexuality.

The Panel considered that the style of clothing being promoted was quite revealing and that the posing and actions of the women in conjunction with the clothing was sexualised.

The Panel determined that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and 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 considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement firstly contains nudity and secondly treats that nudity with sensitivity to the relevant audience.

The Panel considered the Practice Note for the Code which provides:

"Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example."

The Panel noted that several scenes depicted women in high cut bikini bottoms which showed a large amount of buttocks, and considered that most members of the community would consider this to be a depiction of nudity.

The Panel considered that the depiction of the woman wearing this style of clothing was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction of sexuality and nudity should be 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' is a concept requiring 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 children, and other sections of the community, might consider the advertisement.

The Panel considered a scene that depicted a woman sitting inside a car with her legs spread and one hand covering her crotch. The Panel considered that this was a fleeting scene, which was not zoomed in and did not focus on the woman's body.

The Panel noted that several scenes depicted women in high cut bikini bottoms which showed a large amount of buttocks. The Panel considered that although these scenes did show a large amount of skin, the womens' gluteal cleft is not visible at any stage and the depiction is a reasonable depiction of the product being promoted which is the swimwear.

The Panel considered that there is a degree of sexuality in the advertisement, however the Panel considered that most members of the community would recognise the overall showy and pop culture theme of the advertisement and consider a tacky depiction of sexuality not to be unreasonable.

The Panel considered that there was no undue focus on nudity or the womens' bodies and the overall impression of the advertisement was sexualised, but not in a strong manner.

The Panel noted that the complainants' viewed the advertisement in programs on Pay TV which are likely to have a predominately adult audience, such as Joanna Lumley's Silk Road Adventure, Hawaii Five-O and the Crime and Investigation channel.

The Panel considered that while the advertisement may be viewed by a broad audience including children, the imagery was not explicitly sexual. The Panel considered that the advertisement did treat the issue of sexuality in regards to the imagery of the advertisement with sensitivity to the relevant audience.

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.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.