



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0387/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Gazal Apparel Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/09/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Sex/sexuality/nudity	Treat with sensitivity to relevant audience
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### DESCRIPTION OF THE ADVERTISEMENT

Jennifer Hawkins wearing different sets of matching pastel-coloured underwear. In some of the shots she is either drinking, licking an ice cream or eating a watermelon.

The text at the end of the advertisement reads, "Love Colour. Loveable. Loveable.com.au."

### THE COMPLAINT

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

*This advertisement is overtly sexual in content depicting a model in underwear making quite sexually suggestive gestures: i.e. licking or mouthing food saturated in sexual innuendo and holding underwear off of her hip in a pose quite akin to poses you would see in Men's magazines such as Ralph or Inside Sport. It is unacceptable that young children should be exposed to this kind of material while watching innocent talent shows such as "The X Factor".*

*The ad is too sexual and revealing I believe it is setting a bad body image to children/women as she has a un- realistic body. She moves and acts in a very sexual way in the ad and I was offended by how much flesh you can see.*

*Very inappropriate portrayal of a woman and the way she was being filmed for some time. It was like she was showing off her body and I felt very uncomfortable being confronted by this*

*on the Television. I did not want to see that or have my family subjected to this either. Whoever the add was directed at let them seek out that kind of company themselves and don't put advertisements like this in front of the average person.*

*My husband and I both found this commercial extremely offensive as the content can only be described as soft porn. We both had to turn away from the screen as we found it very uncomfortable.*

*I can't understand why such a provocative ad would be played during a show (and timeslot) which is apparently supposed to be a family show. I have young children who were thankfully in bed but I know my niece and nephew sometimes watch these shows and the advertisement is certainly not something I would appreciate them seeing.*

*Why should we have to be subject to viewing content in my own lounge room that I definitely would not choose to watch under any other circumstances.*

## **THE ADVERTISER'S RESPONSE**

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

*Our strategy was to Launch Lovable's new summer colour range with a cheeky tone of voice that is essentially Lovable and utilising Jennifer Hawkins the Lovable ambassador.*

*The Creative Rationale was a direct response to the new line of product colours available in the new spring summer collection being Watermelon, Lemon & Blueberry, hence the associated props used throughout the campaign being a watermelon slice, lemon sorbet ice cream and a blueberry thick shake, also 3 items that are typically reminiscent of summer. The use of the props were absolutely intended to reflect and make hero, the new range of product and the season's colour palette.*

*We sell Lingerie so do need to show our ambassador wearing the products. Obviously we acknowledge that there will also be a few people that are not comfortable with seeing the female form advertised and the intimate category advertised, we respect their opinions but find the majority of our target market 18-30 and the public are not offended. We note that the TVC has been viewed nearly 4000 times on YouTube since launch 2 weeks ago. We have had an overall positive response with only two complaints from the public.*

*In regards to the ad placement, we took all reasonable steps to ensure the appropriate audience would be exposed to the commercials. Despite the G rating from CAD, we took steps to ensure media placement would not be around Children's Day time Television.*

*In reference to Section 2 of the code,*

*2.1- We do not believe that either Male or Female is discriminated against.*

*2.2- There is no violence depicted.*

*2.3 The Cad Ratings enabled us a G placement. We believe we treated this placement with more careful thought ensuring we were not near Children's Television in our media placement. We believe that the product of lingerie has been treated in a playful cheeky manner that is appropriate for today's modern female consumers.*

*2.4- The Product is not aimed or sold to Children.*

*2.5- There is no use of spoken word with a musical score only. The text says Love Colour which we believe relates to the colours of the lingerie and the colour of the summer props used in the TVC. We don't believe this language is offensive.*

*2.6- The ad does not contravene the standards on Health and Safety.*

*2.7- Is not Applicable*

*2.8- Not applicable.*

## **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 is overtly sexual, sets a bad body image to children, and features sexually suggestive gestures.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board first considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code provides that “Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or a section of the community on account of ...sex.’

The Board noted that this advertisement depicts a well known model (Jennifer Hawkins) modelling a new range of lingerie. In the Board’s view the advertisement suggests that she is shooting a photo shoot for the lingerie and is clearly confident and happy to be undertaking this work. The Board considered that this advertisement did not demean the woman or women generally, did not discriminate against or vilify women and did not breach section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that Jennifer Hawkins is featured, in various poses, wearing different coloured sets of underwear. The Board noted the advertiser’s response that this advertisement was meant to showcase their new spring/summer collection.

The Board noted that the advertisement consists of images of the model wearing various different products in a situation and considered that the poses of the model in the advertisement were exaggerated and, as they were accompanied by camera flashes, the overall effect was of a model posing for a photographic shoot. The advertisement depicts the woman in a number of poses. The Board noted that in some images she is seen to be holding and consuming various food or beverage products which are of a colour that match the various lingerie items she is wearing. The Board noted that in one series the model is seen pulling the side of her briefs out and in another she is licking her finger and licking an ice-cream. The Board noted the advertiser’s response that these foods matched the colours of the

underwear the model was wearing and that they were chosen because they were summer foods, which matches the theme of the collection.

The Board noted that this advertisement has been rated G by CAD which means it may be broadcast at any time except during Preschool and Children's programming. The Board noted the advertiser's response that despite the G rating they had taken steps to ensure media placement would not be around children's day time television.

The Board considered that the images of the model posing wearing the product – lingerie – was relevant to the product and that it is reasonable for an advertiser to depict the product being worn. However the Board considered that a number of the poses and gestures and the use of the food, could be seen to be mildly sexualized – in particular those in which she pulls the pants to the side, where she is arching her back and where she is seen to be licking or sucking her fingers or the food.

The Board's role is to decide whether the images of the woman scantily clad and those which are mildly sexually suggestive are treated with sensitivity to the relevant audience and, where appropriate, the relevant time zone.

Some members of the Board considered that the advertisement was more suited to a PG timeslot as it is mildly sexually suggestive and gives undue focus to a scantily clad woman.

The majority of the Board considered that, when restricted to programs which do not have a large child audience and broadcast in programs which are directed to the target audience, the advertisement was suitable for a G classification.

The Board determined that this advertisement was suitable for viewing by a broad audience but agreed that, due to the one or two mildly sexualised images, it would be preferable for the advertiser to continue to ensure that it keeps to more restricted programs and out of children's television programming.

The Board requested that they be able to reconsider the advertisement should a complaint indicate that the advertisement has been broadcast in children's programming.

Based on the above, the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainant's concerns that the advertisement is setting a bad body image to children and women as the model has an unrealistic body. The Board considered that the model in this advertisement appears healthy and not under weight, and noted that the model is shown eating and drinking.

The Board determined that the advertisement did not depict “material contrary to Prevailing Community Standards on health and safety”.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.