



Case Report

1	Case Number	0391/11
2	Advertiser	Just Jeans Group
3	Product	Clothing
4	Type of Advertisement / media	TV
5	Date of Determination	12/10/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

The TVC depicts a man and a woman in a room showcasing Just Jeans product ie: jeans. The models have only jeans on and no tops.

THE COMPLAINT

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

I find this offensive and the advert came up on nearly every commercial break. I believe it is wrong to objectify women. The image was lustful and unhelpful.

The man and woman are partially unclothed and posed with the woman's body pressed against the man or lying on top of the man. I see ads for underwear with models male and female wearing less clothes overall but do not feel specifically offended as I do by the just jeans ad. The behaviour is provocative and needlessly sexual to sell a pair of jeans.

The sexual innuendo of the advertisement is inappropriate. It does not require borderline nudity in order to sell clothing. The fact that it is on late at night does not excuse the content of the commercial as it also appears on the company's website which is accessible to young children (<http://www.justjeans.com.au/>).

I feel as though advertising of this nature will continue to progress into earlier timeslots public spaces unless it is rebuked and removed from circulation to be replaced with material that is not implicitly sexual.

The advertisement features nudity and suggested nudity and alludes to a sexual situation between the male and female. It is provocative. My concern is for children (and others like myself who don't really care to have naked images thrust upon them) who are so easily affected by imagery of this type.

I object to the ad because the both models are wearing nothing but jeans which I find offensive. The ad is too sexual and includes the models touching each other just jeans which find really inappropriate.

The man and woman are partially unclothed and posed with the woman's body pressed against the man or lying on top of the man. I see ads for underwear with models male and female wearing less clothes overall but do not feel specifically offended as I do by the just jeans ad. The behaviour is provocative and needlessly sexual to sell a pair of jeans.

The sexual innuendo of the advertisement is inappropriate. It does not require borderline nudity in order to sell clothing. The fact that it is on late at night does not excuse the content of the commercial as it also appears on the company's website which is accessible to young children (<http://www.justjeans.com.au/>).

I feel as though advertising of this nature will continue to progress into earlier timeslots public spaces unless it is rebuked and removed from circulation to be replaced with material that is not implicitly sexual.

The advertisement features nudity and suggested nudity and alludes to a sexual situation between the male and female. It is provocative. My concern is for children (and others like myself who don't really care to have naked images thrust upon them) who are so easily affected by imagery of this type.

I object to the ad because the both models are wearing nothing but jeans which I find offensive. The ad is too sexual and includes the models touching each other just jeans which find really inappropriate.

THE ADVERTISER'S RESPONSE

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

It is alleged that the advertisement raises an issue under Section 2.1 of the AANA Advertiser Code of Ethics ("the Code"). This section states: "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, sex age, sexual preference, religion, disability or political belief."

The advertisement is part of a Just Jeans seasonal advertising campaign. The target market for the campaign is 25 – 35 year old males and females. The creative intention was to depict our range in a relaxed environment, not unlike our store environment, calling out our core proposition being Just Jeans – 2 for \$100 core denim.

Reviewing the elements of section 2.1 of the Code that has been raised in the complaint, namely "Discrimination or Vilification – Sex", we believe that there is no contravention. In relation to each element, we say:

Discrimination on the basis of Sex

The TVC complained of does not depict the act of sex nor does it depict one of the models discriminating on the basis of sex against the other. In fact, the models are seen in a bare room embracing and having fun. It is evident that:

- The models are not naked but dressed in jeans and are depicted as dignified and confident;*
- The models behaviour is typical for models promoting a fashion label;*
- The setting is not sexual; indeed, there is no depiction of any props that may lead the viewer to conclude an imminent sexual encounter;*
- The TVC prominently displays the key message, being “Just Jeans – 2 for \$100 denim”*
- The TVC campaign is in line with the season campaign and the models’ pose is simply showcasing denim jeans;*
- The TVC does not target children and the time slots for display of the TVC in various medium are predominantly in the late evening, furthermore the CAD rating is PG which would preclude the TVC being aired during G rating shows; and*
- The TVC is targeted at young adult, fashion-conscious, males and females who enjoy a relaxed and comfortable life style.*

Vilification on the basis of Sex

To vilify is defined in The Australian Concise Oxford Dictionary (3rd edition) as “to defame or speak evil of”. Nowhere in the TVC complained of does either model defame or speak evil of the other. The only audio relates to the “2 for \$100 denim” offer. Our comments under the “Discrimination on the basis of Sex” head above apply equally to this element.

We note also that Just Jeans is not aware of any other complaints about this TVC, notwithstanding that Just Jeans is a national brand with shops in every Australian state.

We believe that the TVC does not breach the Code, as it does not show, discriminate or vilify on the basis of sex. In any event, the subject matter is treated with sensitivity to the relevant audience.

The TVC should be considered in the context of the target audience of sophisticated young male and female adults who enjoy a relaxed and comfortable lifestyle.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concerns that this advertisement is inappropriate, sexually suggestive and objectifies women.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features a man and a woman modelling jeans in various poses both on their own and together. The couple are wearing jeans only and no tops.

The Board considered that the intention of the advertisement is to draw the attention of the viewer to the jeans being promoted and the sale that is being offered. The Board considered

that although the models are clothed only from the waist down, the woman's breasts are not visible and she appears confident and comfortable. The Board considered that neither model is presented in a manner which discriminates against women or men.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted that the product being advertised is a range of denim jeans and considered that it is acceptable for the advertiser to advertise its product in a way to demonstrate how it is worn and to highlight what differentiates the product from other brands. The Board noted the advertisement featured little nudity and that the focus of the advertisement was clearly on the jeans worn by the models.

The Board considered that the level of sexual suggestiveness is very mild and not inappropriate for the PG rating the advertisement received from CAD.

The Board considered that the advertisement was not overtly sexually suggestive or sexualised and was appropriately sensitive for the relevant audience and therefore did not breach section 2.3 of the Code.

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.

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