



Case Report

1	Case Number	0392/11
2	Advertiser	Just Jeans Group
3	Product	Clothing
4	Type of Advertisement / media	Print
5	Date of Determination	12/10/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A man and a women in an embrace wearing only jeans.

THE COMPLAINT

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

The young female appeared topless (only wearing jeans) and she was "riding" the young male also dressed only in jeans in an obvious sexual pose.

My objection is that the photo was full page bright and obvious and visually inescapable to readers who were simply browsing to read the articles in this magazine. This would include young children and their parents who try very hard to protect their children from these sorts of lewd images. This ad/image belongs to "gutter" press.

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 2.3 of the AANA Advertiser Code of Ethics (“the Code”). This section 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 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 \$20 Off Denim – selected full priced men’s and women’s styles.

Reviewing the elements of section 2.3 of the Code that has been raised in the complaint, namely “Sex/sexuality/nudity – Treat with sensitivity to relevant audience”, we believe that there is no contravention. In relation to each element, we say:

Sex

The advertisement complained of does not depict the act of sex. The models are embracing with the woman looking into the camera while being embraced by the man.

Sexuality

The advertisement does not depict sexuality. The models are embracing in a pose which 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, just the male and female models embracing.

Nudity

The models are not naked. Only the male’s back and arms and the female’s arms are exposed.

Sensitivity

The advertisement treats its subject matter with sensitivity. This is evident as:

- The models embrace dressed in jeans and are depicted as dignified and confident;*
- The female model is embraced in a high position relative to the male model and is not engaged in any activity which could be viewed as sexual in nature;*
- The advertisement prominently displays the key message, being “\$20 off DENIM”. The print campaign is in line with the season campaign and the models’ pose is simply showcasing denim jeans;*
- The advertisement does not target children; the audience that read the Herald Sun Sunday magazine are predominantly adults, see Attachment 2; and*
- The advertisement is targeted at young adult, fashion-conscious, males and females.*

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

We believe that the advertisement does not breach the Code, as it does not show sex, sexuality or nudity. In any event, the subject matter is treated with sensitivity to the relevant audience.

The advertisement 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 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 an inappropriate image of a man and women in a sexualized pose and can be viewed by a broad audience including children.

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

The Board 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 the advertisement features an image of a woman, facing the camera with her legs around a male who is visible from the back. The models are dressed from the waist down.

The Board noted that it was reasonable for an advertiser to depict its products being modelled in its advertising ie: jeans. The Board considered that the pose of the models was sexually suggestive but that the setting is not sexual and that there is nothing to suggest an imminent sexual encounter.

The Board noted that the placement of the advertisement meant that the relevant audience was not likely to include children as the Herald Sun and incorporated magazines are targeted to adults.

Considering that the advertisement was mildly sexualized at most, and that the models were not overly exposed, the Board considered that most members of the community would not find the imagery offensive. 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.