



Case Report

1	Case Number	0459/15
2	Advertiser	PVH Brands Australia Pty Ltd
3	Product	Lingerie
4	Type of Advertisement / media	Billboard
5	Date of Determination	25/11/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement for a Calvin Klein bra features a black and white image of Kendall Jenner. Kendall has her hands resting below the black lacy bra she is wearing and the text reads, 'The original sexy'.

THE COMPLAINT

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

I object because the young lady appears to be touching her breasts or at least seems to be very close to touching her breasts.

For me this creates a new precedent beyond simply showing an attractive young lady wearing underwear. The touching or apparent touching of her breasts is an erotic scene. If this precedent is accepted then it will open the door to even more erotic advertisements. If a young lady can be shown touching her breasts (or nearly touching them) then other genitals of both men and women will be subject to similar treatment in the future.

THE ADVERTISER'S RESPONSE

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

Asset Description

Current campaign imagery released in August 2015 globally and in Australia in October depicts Celebrity Ambassador Kendall Jenner in Calvin Klein Underwear. The Calvin Klein Image is black and white with the strapline "The original sexy" and the #mycalvins hashtag both used in the global campaign.

The Campaign was visible in Outdoor, Print and digital. Specifically this complaint relates to the creative used in the William Street Billboard, Kings Cross- Inbound. The Billboard is up for the Month of October.

Rationale/Response.

The Fall 15, Calvin Klein Underwear global advertising campaign, featuring models Kendall Jenner, Joan Smalls, Isabeli Fontana and Edita Vilkeviciut was shot by renowned fashion photographer Mikael Jansson in New York City. This latest campaign for the brand boldly claims "the original sexy," showcasing a beautiful, elevated assortment of embroidered lace sling balconettes, plunge-neck chemises. Calvin Klein originated sexy and with this campaign plan to reclaim, re-imagine and re-image it, by bringing together a powerful mix of women from all over the world to celebrate the heritage as a leader in the intimates category.

The Fall 2015 global media campaign was produced under the creative direction of Calvin Klein, Inc.'s in-house ad agency and creative studio, working with leading branding agency Laird + Partners.

We make a number of over-arching points:

(a) Calvin Klein has a strong heritage of iconic campaigns that highlight the products we sell in a bold impactful way. It has been noted by the Board in a previous decision that stylized advertisements of this type are "in keeping with the type of advertising from this advertiser and from other fashion icons" (Case Number 0080/15).

(b) Kendall Jenner is over 18 and just the upper torso is shown, wearing the Calvin Klein bra available in stores in Australia.

(c) Kendall Jenner appears alone in the advertisement. She is shown in a strong and confident pose. She is not touching her breasts. The scene is not erotic.

(d) The conclusions drawn in the complaint are exaggerated and unfounded.

In reference to Section 2 of the code, we note that the complaint concerns only 2.4, but we have dealt with each part of Section 2 as referenced in your letter for completeness.

2.1 We do not believe that the female character featured in the ad is discriminated against nor any area of the community is vilified by the creative.

2.2 The pose is neither exploitative nor degrading.

2.3 There is no suggestion of violence.

2.4 The female is clothed in our product (the bra) and no sensitive areas of the body are shown. The ad is not overtly sexualized and the imagery is not inappropriate in the context of a fashion advertisement. These products are not aimed at or sold to children. The advertisement is appropriate for today's consumer and attitudes, and treats sex, sexuality and nudity with sensitivity to the relevant audience. We take reasonable steps with media placement to ensure these images are not near Churches or Schools.

2.5 We believe the language used is not contravening the code and is not offensive.

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

Thank you for the opportunity to respond.

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 woman in a bra touching her breasts and is not appropriate for outdoor display.

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

The Board then 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 this billboard advertisement features a female model, Kendall Jenner, wearing a black lacy bra.

The Board noted it had previously dismissed complaints about similar lingerie advertisements in cases 0130/14, 0300/14, 0386/14, 0419/14, and in case 0295/15 where:

“The Board noted the advertisement features slightly different images of a woman wearing black lingerie. The styles include a full halter neck style body suit and a bra and pantie set with suspenders...

... In the current advertisement the Board noted that the woman’s private areas are covered by the lingerie she is wearing and considered that the level of nudity was consistent with advertisements for lingerie used in store windows and billboards by a range of advertisers.

The Board noted the model is well covered and that although she is revealing some cleavage

there is no nudity and no exposed breast...

... The Board noted that the display of these images in the store window means it is visible to a broad audience which would include children but considered that overall the depiction of a woman wearing the advertiser's product does in this instance treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience..."

In the current advertisement the Board noted the complainant's concern that the model is touching her breasts. The Board noted that the model has her hands resting below her breasts and considered that whilst the positioning of her hands draws the gaze to her bra in the Board's view she is not touching herself in an inappropriate or sexualised manner.

The Board acknowledged that some members of the community would prefer that this type of advertising not be displayed outdoors but considered that the advertiser is allowed to advertise their product provided that they adhere to the provisions of the Code. In this instance the Board considered that a depiction of a woman wearing a bra and drawing attention to the bra is not inappropriate and overall the image does not feature inappropriate nudity and is not overtly sexualised.

The Board noted that the placement of the advertisement outdoors means it will be viewed by a broad audience which would include children and considered that in this instance the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.