



Case Report

1	Case Number	0470/17
2	Advertiser	Coty Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	Poster
5	Date of Determination	25/10/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

A woman lying on a bed with her knees to her chest. The image is in black and white.

THE COMPLAINT

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

It seems to be sexualizing children and borders on child pornography.

THE ADVERTISER'S RESPONSE

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

The image is not intended to create a sense of violence and it is difficult to interpret it in such a manner. The subject is internationally recognisable as a model, and her pose could not be interpreted as a realistic expression of fear or vulnerability. The so-called foetal position is not synonymous with exploitation or degradation, and is not a suggestively sexual pose. The fact that the model is scantily clad is permissible under section 2.2 of the Code if not exploitative or degrading, and permissible under section 2.4 in the context of an

advertisement for perfume. The image was pre-approved on 23 August 2017 by the Outdoor Media Association (OMA).

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 near naked woman on a bed that sexualises children.

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

The Board 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 that this advertisement features a woman lying on a bed. The woman is curled up in the foetal position. Bottles of the fragrance are seen at the bottom of the image and the advertiser name Calvin Klein is located at the bottom right of the image.

The Board noted that the pose of the model is in keeping with typical high end fashion advertising and the image is very stylised and artistic.

The Board noted the complainant’s concerns that the woman is presented in a manner that makes her appear vulnerable.

The Board noted that the woman is wearing only underpants and that the position she is lying in fully covers her breasts. The Board noted there is a level of community concern about the sexualisation of children and acknowledged that the woman appear young. The Board noted the model is actress Kate Moss and although she does have a young appearance, the Board considered that she looks over 18 years of age.

The Board considered that her position is similar to the pose of a child but the image is not suggesting that the woman is vulnerable or in any way being threatened.

The Board noted there is a level of community concern about the sexualisation of children and acknowledged the placement of the advertisement on a billboard meant that the relevant audience was very broad and would include children.

The Board noted that the fragrance is sold in stores and considered that although it is reasonable for advertisers to promote their products, all advertisers should take care when using young looking models that may be interpreted as displaying sexualised poses.

The Board noted the position of the woman means that her breasts are fully covered and considered that overall the level of nudity is mild.

The Board noted the complainant's concern that the image is bordering on child pornography. As noted above, in the Board's view although the woman appears young, she does look over the age of 18 years. Despite her young appearance, the Board considered that there is no

connection between the product and children and there is nothing in the advertisement that suggests she is a child or child like. In the Board's view the image was not indicative of child pornography.

The Board acknowledged that some members of the community would be offended by the advertisement but considered that the images are only mildly sexualised and artistic. The Board considered that the image of a model promoting a high end fragrance in this way 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.