



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0471/18
2	Advertiser	General Pants Group
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative - women
- 2.2 - Objectification Exploitative OR degrading - children
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features various images including: a woman's breasts with a stem leaf between her cleavage; a woman lying on the sand with her bottom pushed upwards; a woman wearing bikini bottoms; a woman wearing a swimwear top; a woman lying down in bikini bottoms with a stem leaf on her bottom; a topless woman with stem leaves covered her breasts; two women wearing swimwear; a women in bikini bottoms with her leg propped; two women's bottoms pressed together.

THE COMPLAINT

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

Clearly it is not appropriate to present images of naked women in shop front windows on public display, in full view of families and young children. Despite the girl in the





image having her nipples covered by two small leaves, the photograph was clearly designed to sexualise the advertisement and contained no General Pants Co. product. Is this the kind of advertising we want our children exposed to? Is this the message that we wan't young women to learn - that their bodies are to be used for sexualised (pornographic) advertising? I would hope not. I have read numerous complaints online about General Pants Co. using eroticism in their promotional material, and have also read the most recent complaint to the Advertising Standards Bureau about General Pants Co. (from 2016) - where a complaint about a similar use of a naked girl in a promotional poster was dismissed - and am shocked to see how this company continues to disregard basic standards of decency in public places.

Objectifies young girls, under 18 yrs old, soft porn imagery, sexual imagery in high profile retail space. Sexual imagery & appeal pushed onto children. Needs to be investigated & serious consideration given to breach of 2.4, 2.6, & 2.7 of AANA Code of Advertising & Marketing Communications to Children.

The images were of young girls, exposed and highly sexualised. These included a girl (I can only assume she was either under the legal age of consent, or intended to be interpreted that way) from the waist up, completely nude with only two flowers covering her breasts. I consider these images to be soft pornography.

I cannot understate how inappropriate these images were, particularly since I was shopping with my two-year-old and they were displayed in a public place where i did not have the option of shielding her from them. In a public place I should have the choice of what I expose my children to at what age, instead of having it forced upon me by irresponsible advertising.

With our nation's rates of child abuse and online predators, there is no way we should be exposing children to hypersexualised images that could render them vulnerable to a sexual grooming processes.

I was very angry and offended by the images, and will be disappointed if the company is not reprimanded for their actions.

I have an image of the display should you wish to see it.

THE ADVERTISER'S RESPONSE

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

Advertiser did not respond.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").



The Panel noted the complainants' concerns that the advertisement featured a sexualised image of two women that was inappropriate for a broad audience which would include children.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel noted the advertisement features a collage of Instagram style images, and noted that the main cause of concern for complainants was the depiction of a topless woman with two flowers covering her breasts. The text on the advertisement states "#NOFILTER".

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or Marketing Communication shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainants' concern that the advertisement features sexualised imagery of a minor and is exploitative of a minor.

The Panel first considered section 2.2 (a) of the Code. The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading and in particular to the use of images where Minors or people who appear to be Minors are used:

"In advertisements where minors, or people who appear to be minors, are used, sexual appeal is not acceptable and will always be regarded as exploitative or degrading. Advertisements must not include sexual imagery, state or imply that minors, or people who appear to be minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality. Minors, or people who appear to be minors, must not be portrayed in a manner which treats them as objects of sexual appeal."

The Panel considered the depiction of the central model in the poster and noted that her appearance is young. The Panel noted that the advertiser did not provide a response and the Panel was unable to confirm the age of the model. The Panel noted



however that the Practice Note states that the actual age of the actors is irrelevant and that the Panel can consider whether the people depicted “appear” to be minors.

The Panel considered that the model looked over the age of 18 years and that the section of the Code referencing minors was not applicable.

The Panel then considered then considered section 2.2 (b) of the Code, whether the advertisement used sexual appeal, as the woman depicted is determined to be over 18.

The Panel considered that the image of a topless woman with flowers covering her breasts, in conjunction with other images of buttocks, legs and bodies did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that there is focus on particular body parts; however the depiction of swimwear in the vast majority of images is relevant to the style of swimwear being sold.

The Panel considered that the advertisement did not suggest any of the women either was an object, or was available for sale, rather the advertisement featured the women wearing the swimwear that was for sale.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel then considered whether the advertisement used sexual appeal in a degrading manner.

The Panel considered that the advertisement depicted the women as confident and happy, and considered that the “#NOFILTER” tag was intended to suggest that the images were realistic images of people to celebrate natural beauty, The Panel considered that the advertisement did not depict the women in a way which lowered them in character or quality.

The Panel considered that the advertisement did not use sexual appeal in a degrading manner.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, and did not breach Section 2.2 of the Code.



The Panel 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 Panel noted that this poster advertisement was in the window of a store and was visible to people walking past the store, and considered that the relevant audience for this poster would be broad and would include children.

The Panel considered the complainants’ concerns that the advertisement portrays nudity and is too sexualised for a shopping centre.

The Panel noted the advertisement depicted a montage of images of primarily swimwear which is the product for sale, and considered that the style is contemporary and the groin region of all the models depicted is covered.

The Panel considered that although the image of the topless woman appears to be the centrepiece of the advertisement, her nipples are covered and her pose is not sexualised.

The Panel considered that the imagery included on a poster that is visible to members of the community in a shopping centre is not inappropriate for the relevant broad audience which would likely include children.

In the Panel’s view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

