



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0517/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Cotton On</b>
<b>3</b>	<b>Product</b>	<b>Lingerie</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features an image of a woman wearing a peach coloured lace bralette. The text reads, "Our lust have bralettes. From \$16.95".

### THE COMPLAINT

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

*I thought the wording was totally unacceptable and the retailer deserves to be "pulled into line". I look forward to your comments*

### THE ADVERTISER'S RESPONSE

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

*We refer to the complaint lodged with the Advertising Standards Bureau regarding a recent Cotton On Body advertisement in our Hornsby store ("Advertisement").*

*The Advertisement is alleged to be in breach of Section 2.4 of the Code. Section 2.4 requires advertising to treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The Advertisement is a poster image of a female model wearing lingerie. The text reads “OUR LUST HAVE BRALETTES”. The type of underwear is known as a “Bralette”.*

*The Advertisement is targeted to women who may be interested in purchasing our new style of lingerie available for sale in our Cotton On Body stores. Such a purpose would be difficult to achieve without having the Bralette displayed on an adult model.*

*The Advertisement is also alleged to be in breach of Section 2.5 of the Code. Section 2.5 requires advertising to use language which is appropriate and to avoid strong or obscene language. “Lust have” is a common term used in marketing to indicate items which are desired by customers. This phrase has been used in reference to the Bralette itself.*

*The image is part of a campaign focusing on all of our “Lust have” and “Lust-Buy” lingerie.*

*We do not consider there is any strong or obscene language in the advertisement.*

## **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’s use of the word lust was unacceptable.

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 poster advertisement featured a woman wearing a peach coloured lace bralette with the text ‘our lust have bralettes’.

The Board noted that the woman depicted in the advertisement may appear young however considered she did look over the age of 18.

The Board noted the focus of the advertisement was on the bralette, not the woman, and that her pose was not overly sexualised or inappropriate.

The Board noted that there may be concern over the use of the word ‘lust’ with a product primarily used by young girls, however considered that the word ‘lust have’ was a play on the phrase ‘must have’ and was clearly used to refer to the product not to the woman depicted. The Board considered that the advertisement did not sexualise children.

The Board considered that 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.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board considered the phrase ‘lust have’ was a play on ‘must have’ and referred to people lusting after a product, not a person.

The Board considered that the word ‘lust’ in itself was not strong or obscene and was not inappropriate to be used in an advertisement for bralettes.

The Board considered that the advertisement did not use strong, obscene or inappropriate language.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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