



CASE REPORT

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| 1. Complaint reference number | 179/09 |
| 2. Advertiser | Calvin Klein |
| 3. Product | Clothing |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Thursday, 14 May 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This photographic image from a magazine shows four models (two males, two females) lying on a lounge. The male/female couple appear to be about to kiss and are lying in sexually suggestive positions. A fifth model (woman) is lying on the floor in front of the lounge with her legs bare and resting up on the lounge. One of the men on the lounge has his hand resting on the leg of the woman lying on the floor. The men and women are wearing jeans. One female is wearing a singlet. The woman on the floor is wearing a shirt. The photograph has two halves, with the image on the left hand side not matching totally with the image on the right hand side.

THE COMPLAINT

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

It was inappropriately sexually explicit; with the women in particularly degrading poses; and toplessness. The multiple persons depicted added to the offensiveness of the ad.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Regarding the double page spread advertisement in the 'Marie Claire' April 2009 issue. We appreciate your comments and concerns, however do not share your view.

While you have referred to the ad as "inappropriately sexually explicit" we would suggest that the advertisement is in line with the content of the magazine, so readers are expecting these kind of images and copy and do not find them inappropriate or overly sexually explicit. Please see for example the "Sex Report" section in which the article "Secrets of a High Class Brothel" has been published, pages 85-88 in the same issue.

Furthermore, you refer to the women as being in "particularly degrading poses", whereas the image portrays the women as casually lounging and relaxed, and in poses similar to the men. Regarding the toplessness, topless men are seen in many and varied areas of media and not deemed offensive, and none of the women's breasts are actually visible. In reference to the "multiple persons depicted adding to the offensiveness of the ad", the models are not directly engaging in sexual activity and all are partially-clad.

Please note the issue is no longer on sale and the creative shown in the magazine is no longer in use by CK Jeans.

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 was inappropriately sexually explicit and degrading to women. The Board considered the application of Section 2.1, relating to discrimination and vilification on the basis of gender and Section 2.3, relating to sex, sexuality and nudity.

The Board noted that the advertisement features a group of young men and women in intertwined poses. The Board noted that mostly, the men and women are partially attired, wearing only jeans or a top. The Board noted that the breasts of the woman not wearing a top are obscured by her arm and no nipples can be seen.

The Board also noted the advertisement featured in Marie Claire magazine, which has a core target readership of women aged 25-39 years. The Board considered the poses were sexualised, but considered that this was consistent with the content and relevant audience of the publication in which the advertisement featured. The Board therefore determined that the advertisement was sensitive to the relevant audience and did not breach Section 2.3 of the Code.

The Board also noted that the men and women in the advertisement were all similarly posed and considered that the depiction was not discriminatory or vilifying of women. The Board therefore found no breach of Section 2.1 of the Code.

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