



## **CASE REPORT**

1. Complaint reference number	75/04
2. Advertiser	Calvin Klein Underwear
3. Product	Clothing
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 13 April 2004
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement is an outdoor advertisement which depicts a male wearing jeans leaning up against a wall against which a female wearing jeans and a white singlet is standing. The male's arm reaches over the female and she holds onto his waist. Their bodies are close together.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*“Seeing this photograph made me sick. I have been subjected to so many lascivious depictions in public spaces that anger no longer is possible. Why must ordinary citizens be subjected to ever worsening depictions of animal behaviour by humans?”*

## **THE ADVERTISER'S RESPONSE**

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

*“The image reflects a young person's need to seek physical intimacy with others. This is an important part in the emotional and physical growth of a young adult.”*

*“We can say that Calvin Klein Jeans advertising always reflects a young spirit, with people engaged in activities that young adults engage in. The images are highly regarded for their artistic and cultural value.”*

## **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 that in the context of prevailing community standards, the majority of people would not be offended.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.