

Case Report

1. Case Number :	0294-22
2. Advertiser :	Cleverly Textiles
3. Product :	Clothing
4. Type of Advertisement/Media :	Print
5. Date of Determination	25-Jan-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a woman reclining on a sofa wearing a terry bathrobe. The top of the robe is slightly open and the curve of her breast is visible; the outside of her thigh is also visible. Below the image is the caption “There’s no place like a Cleverly robe”.



THE COMPLAINT

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

It suggests the young drug affected woman is available for sex.

The female in the advertisement has purposefully been photographed in a sexual pose which in 2022, is out-dated, incredibly out-of-touch with #metoo female equality issues and totally inappropriate for a family magazine where my daughter will see this advertisement

THE ADVERTISER'S RESPONSE

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

COMPANY BACKGROUND

Cleverly is a textiles company that produces a superior terry towelling fabric and sateen fabric. From those fabrics we manufacture towels, bathrobes, bed sheets and PJs for all genders. All production and manufacturing occurring ethically and sustainably in Portugal.

Cleverly Group Ltd is female founded company, run by a team of eight women (ages ranging from 32 to 59 years). Between us we have seven daughters and six sons.

We pride ourselves on a keen awareness of the time and culture in which we operate.

MODEL AND PHOTOGRAPHER

The advertisement features the terry bathrobe on Matisse Andrews, a 35-year-old professional fashion model (represented by Wilhelmina Models LA), photographed by Imogen Baron, an Australian professional fashion photographer who is based in Los Angeles.

THE CREATIVE CONCEPT

This image of Matisse is not a comment on gender, it is an expression of the feeling of total comfort made possible by a Cleverly bathrobe, and by extension, comfort in one's own skin, body, self.

It is our perspective that this image is an artful representation of what it means to feel comfortable, content and empowered.

The advertisement is composed of an image of Matisse wearing the terry bathrobe at home lying on her sofa. The caption "There's no place like a Cleverly robe" is a play on the line from the Wizard of Oz "there's no place like home". The image and the caption together reinforce the relaxed cosy comfort of the robe and being at home. The red colour of the robe and the green sofa have a Christmas feel and add another layer of "home for the holidays" feeling.

Home comfort was the intentional theme of the advertisement. As newspapers are quite often read at home and bathrobes often worn at home, we believe the advertisement was appropriately placed, and as terry bathrobes are a good gift, it was well timed. It is not a coincidence, since December is a harried month, that the image of relaxation was intended as aspirational.

THE COMPLAINTS

We disagree that the image shows “seemingly drug affected young woman, naked and vulnerable” and therefore “available for sex” or that the “sexual female” is “more suited to a men’s magazine”.

Matisse is 35 years old, obviously healthy, obviously confidently looking at the camera, and obviously relaxing in a bathrobe. The potential absence of clothing under the bathrobe is in keeping with the product use.

The claim that the model is “seemingly drug affected” is insulting and we will not respond to this absurd claim as there is nothing in the image that alludes to such a state.

The incorrect reference #metoo, shows a lack of understanding of the #metoo movement. A representation of a relaxed woman does not mean she is “available for sex” and nor does a bathrobe. Any sexuality, of any gender, is not a licence to view that person as “available for sex”.

We were disappointed to read the complainants refer to Matisse’s exposed outer thigh on one side, and less than two inches of breast fold, as “naked”, and a “sexual pose” only appropriate for a “mens magazine”. We think this is a misogynistic view, more aligned to repressive countries. Instead, we support the citizens who are fighting against female discrimination and clothing modesty laws.

Recent global events should be encouraging us as a community to celebrate our lawful personal freedoms without innuendo. These are the values and rights we instil in our daughters and sons.

We look forward to receiving the outcome of the Community Panel review.

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:

- Depicts a seemingly drug-affected woman
- Suggests that the woman is available for sex

- Depicts the woman in a sexual pose.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.2: Advertising should not employ sexual appeal 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.

Does the advertisement use sexual appeal?

The Panel noted that this advertisement contains imagery of a woman reclining in a terrycloth robe which is slightly open on her upper half, with the curve of her breast visible. The Panel considered that most viewers would consider this to contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement was for a the product depicted, a robe, and considered that it was reasonable for the woman to be depicted wearing that product in the advertisement.

The Panel considered that while the woman is posed in a manner which leaves the curve of her breast visible, the focus of the advertisement is not irrelevantly on her body or body parts but rather on the context of a person relaxing at home in a robe.

The Panel noted a complainant's concern that the woman appeared to be under the influence of drugs however considered that this interpretation was unlikely to be shared by the broad community.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the woman was relevant to the promotion of the robe and this did not lower the woman in character or quality.

The Panel noted that there is no suggestion that the woman is uncomfortable or distressed and no suggestion that she is under the influence of drugs.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

Section 2.2 conclusion

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

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

“Although not exhaustive, the following may be considered to be overtly sexual:

- Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- Suggestive undressing, such as pulling down a bra strap or underpants; or*
- Interaction between two or more people which is highly suggestive of sexualised activity.*

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain a depiction of sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted the advertisement depicted a woman in a robe with part of her breast visible and considered that this was a depiction of sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted the advertisement depicted a woman in a robe with part of her breast visible and considered that this is a depiction of partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this image appeared in a magazine insert in a newspaper and considered that the relevant audience would be predominately adult.

The Panel considered that the image featured a woman seemingly alone, in a reclining position. The Panel noted the advertiser’s response that the caption “there’s no place like a Cleverly robe” was a take on The Wizard of Oz line “there’s no place like home”.

The Panel considered that while the robe was slightly open and a curve of her breast was visible, the advertisement overall was not particularly sexualised but rather the woman looked relaxed and comfortable.

Overall, the Panel considered that the image was not overtly sexual or inappropriate for use in a setting where a predominately adult audience would view the advertisement.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Conclusion

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