

## Case Report

1. Case Number :	0126-23
2. Advertiser :	Novo Shoes Group
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	12-Jul-2023
6. Decision:	Upheld – Not modified or discontinued

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT



This television advertisement features a woman posing in various types of shoes while wearing leotards.

### THE COMPLAINT

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

*Unnecessary sex poses and use of suggestive poses of model wearing shoes*

## **THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

## **THE DECISION**

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 complainant's concern that the advertisement uses unnecessary sexual imagery.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

### **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 depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable.*

*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."*

### **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 noted that the women in the advertisement are posing in shoes, and that the advertisement doesn't contain 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 considered that some of the poses of the women appear sexualised, and as such the advertisement contained 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 that while the women in the advertisement are wearing leotards, there is a focus on the women's buttocks and legs and this can be considered partial nudity.

### **Are the issues of sex, 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 the complainant had viewed the advertisement at 10:30am on free-to-air television. The Panel noted that the advertisement's rating and placement was not known, however considered that a daytime free-to-air television advertisement would have a broad audience.

The Panel noted that there were several scenes in the advertisement where there was a clear focus on the women's bodies and sexualised movements which were not related to the promotion of shoes.

The Panel noted the scene at the seven second mark of the advertisement where a woman squats down in heels. The Panel considered that the angle of the camera and shot made it appear as though the woman was not wearing underwear. The Panel considered that the woman's pose of squatting with her knees apart was an overtly sexual pose.

The Panel noted that at the nine second mark of the advertisement the woman is shown again squatting. The Panel considered that the woman again appears to be naked from the waist down, and this nudity in combination with the squat pose with her knees apart was an overtly sexual pose.

The Panel noted the scene at the 14 second mark of the advertisement where another woman in a leotard is seen squatting with her knees apart, modelling a boot. The Panel considered that there was less focus on the woman's legs and buttocks in this scene, however the angle of the camera still made it appear as though the woman was naked from the waist down. The Panel considered that the apparent nudity and action of squatting combined made this an overtly sexual pose.

The Panel noted the scene at the 18 second mark of the advertisement where a woman is seen lying on her back, thrusting her hips upwards. The Panel noted that the woman was depicted as wearing a leotard and the sexualised movement meant that there was a focus on her upper legs and buttocks. The Panel considered that the woman's pose was overtly sexual.

The Panel noted the scene at the 256 second mark of the advertisement where a woman strides out wearing hot pink heels. The Panel considered that the low camera angle looking up the woman's legs along with the woman's almost flesh-coloured leotard gave an impression of partial nudity and was sexually suggestive.

The Panel noted that the definition of overtly sexual images included sexualised poses, and as such these videos would be considered overtly sexual. The Panel considered that the overtly sexual content was not relevant to the promotion of shoes, and as such were against prevailing community standards.

#### **Section 2.4 Conclusion**

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

#### **Decision**

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DECISION**

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.