

## Case Report

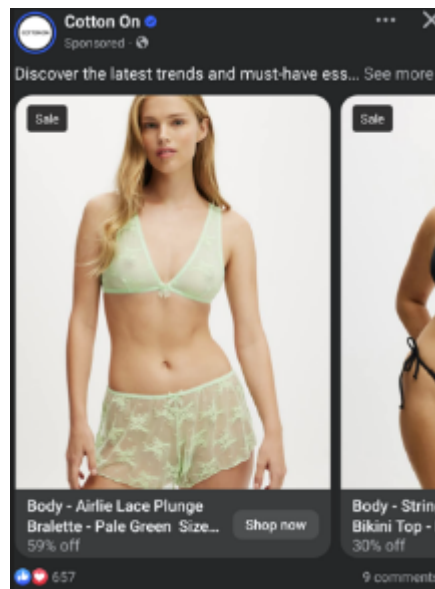
1. Case Number :	0195-25
2. Advertiser :	Cotton On Group
3. Product :	Clothing
4. Type of Advertisement/Media :	Facebook
5. Date of Decision:	3-Sep-2025
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This sponsored Facebook advertisement features a woman wearing a sheer bralette and shorts.



### THE COMPLAINT

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

*While scrolling Facebook I saw what I thought was an advertisement for an adult company, but when I looked closer I realised it was for a set of laced underwear from*

*Cotton On. What drew my attention was the model's clearly visible nipples behind the see through bra. Upon closer inspection of their website, I noticed half of the model's genitalia was also visible when zooming in on her see through skirt. I do not believe this kind of nudity in advertisements and product images adheres to the Australian Association of National Advertisers (AANA) Code of Ethics.*

## **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 received by Ad Standards on 15 August 2025 regarding a recent Cotton On Body advertisement that appeared on Facebook (Advertisement). We thank you for the opportunity to respond.*

*The Advertisement is alleged to be in breach of the Code, particularly section 2.4 which requires advertising to treat sex, sexuality, and nudity with sensitivity. Cotton On strongly rejects that the Advertisement breaches this obligation.*

*Cotton On Body strives to empower women to live the life they want, and to show up for themselves and each other. Cotton On Body's target audience is a young female who is looking for more affordable and accessible activewear, sleepwear and intimates, without compromising on style. The Advertisement promoted our latest season of lace intimates, aiming to showcase the product details for our audience.*

*The Advertisement depicts the model wearing the pale green lace set in a casual and soft way, without being overly sexualised in tone. The intimates cover key areas of her body while showcasing the lace detail. Cotton On Body purposefully chose a young female model to inspire and promote confidence to our young, female customers. Cotton On Body's 'intimate' product is designed to make our customer feel confident, and this model authentically embodies the confidence our audience can relate to. It is not possible to depict use of the product without some degree of nudity and we strive all times to demonstrate real-life use of our products in tasteful way.*

*Turning to section 2.4 of the Code, none of the poses match the 'overtly sexual' description outlined in the AANA Guide to Overtly Sexual Imagery in Advertising, noting that:*

- 1. There are no sexual poses or suggestive expressions as the model stands with her arms by her side;*
- 2. There is no suggestive undressing by the model, she is merely just standing, displaying how the lingerie fits;*
- 3. While the lingerie is sheer, key areas are covered, showing no more than what is typical in standard lingerie modeling. This is a stark contrast to any*

*gratuitous body displays in advertisements for products other than apparel (e.g. a beer advertisement with a woman in a bikini).*

*4. There is no use of paraphernalia in the Advertisement; and*

*5. To allow our customers to accurately see how the intimates fit on the female body, it is necessary for the product to be displayed in full view.*

*The complaint alleges that the Advertisement looks as though it was for “an adult company” as the sheer lingerie reveals the model’s nipples and genitalia. However, it is evident that the image is an advertisement for the lace lingerie itself, given that there is a lack of suggestive or overtly sexual posing by the model, and the plain white background used. There is nothing sexualised or exploitative in the imagery. Rather, the product is therefore displayed in a functional and pragmatic way.*

*Cotton On confirms the Advertisement does not breach any other sections of the Code:*

- Section 2.1 provides that advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness, or political belief. As mentioned, Cotton On Body’s main purpose is to empower women and believes the Advertisement fulfils this purpose. This Advertisement does not and was not intended to be discriminatory in any way.*
- Section 2.2 provides that advertising shall not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people. Again, Cotton On Body empowers women and encourages women to be their best selves. This Advertisement merely depicts the Cotton On Body model wearing the product being sold. There is no exploitative or degrading imagery portrayed.*
- Section 2.3 of the Code requires advertising to not present or portray violence unless it is justifiable in the context of the product or service advertised. There is no possibility for this Advertisement to be considered as ‘violent’.*
- Section 2.5 of the Code requires advertising 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. There is no possibility for this Advertisement to be considered as using strong or obscene language as there is no audio attached to the Advertisement nor is there any strong language in it.*
- Section 2.6 of the Code requires advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards. This Advertisement does not display harmful or unsafe content given that Cotton On Body strives to empower women and promote body confidence.*

*For completeness, Cotton On considers the remaining sections of the Code to have no application to the Advertisement.*

*In summary, we are firmly of the view that the Advertisement falls well within acceptable community standards and does not breach the Code. As such, we request the Complaint be dismissed.*

*Please note while this matter is being considered, Cotton on Body has replaced a retouched photograph to remove the areas which are the subject of the complaint. We are happy to leave this in place while to avoid any further concerns.*

## **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 is contains inappropriate nudity.

The Panel viewed the advertisement and noted the advertiser's 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:

*"Full frontal nudity and explicit pornographic language are not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits 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 a depiction of 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 woman is not engaging in sexual intercourse and considered that the advertisement did not 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 the woman is wearing lingerie and considered that there was a sexual element to the advertisement.

#### 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 the woman in the advertisement is wearing mesh lingerie and that her breasts and nipples are visible. The Panel 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 noted that assessing whether sexual suggestion is ‘sensitive to the relevant audience’ requires consideration of who the relevant audience is and how they are likely to react to or feel about the advertisement.

The Panel noted that this advertisement was a sponsored advertisement on Facebook and noted the advertiser’s response that it was targeted to people who had previously searched similar products or terms. The Panel noted that although Facebook requires users to be over 13 and there is a chance that some viewers of this advertisement may be under 18, the relevant audience for this advertisement would be predominately adults who have shown interest in lingerie.

The Panel considered that while the advertisement did depict partial nudity, the woman was not posed in a sexualised manner and the product was depicted in a factual manner without sensationalising or focussing on the nudity. The Panel considered that while it may make some viewers uncomfortable, the advertisement did not contain highly sexualised imagery and was not inappropriate for a broad, predominately adult audience.

#### **Section 2.4 conclusion**

The Panel found that the advertisement 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 complaint.