

## Case #11: Selling Sex?

As the saying goes “sex sells,” and advertisers have used sexual motifs for decades with increasing gusto. Today sexuality is ubiquitous in advertisements for beer, media, perfume, clothes, etc. Occasionally, sexuality is integral to the product being sold, but it is often used to attract attention or generate positive association with an unrelated product. Industry experts report that the measurable result of such advertising on sales is mixed.<sup>1</sup> Others suggest that the use of sexuality to sell has gone too far and begun to shape the character of consumers in ways that make rape more acceptable, glorify unhealthy body images and encourage sexualizing the young.<sup>2</sup>

Clothing manufacturer American Apparel (AA) has been a prime target of criticism since the company launched in 1997. Frequently described as a “hipster” or “alternative” Gap, commentators describe AA’s ads as “soft porn” and their sexualized models as “pre-pubescent” or “cocaine chic.”<sup>3</sup> Some have found the company’s advertising line so offensive that they have started boycotts, and in at least one instance an ad was deemed too offensive for publication in the UK.<sup>4</sup> Far from moving away from their pornographic image, AA has seemingly embraced this strategy by using adult film stars in some of their ad campaigns<sup>5</sup> and lining the walls of retail outlets with 70’s era pornographic magazines such as *Oui* and *Penthouse*. An adult film news source describes AA’s website as “one of the finest soft-core Web sites going these days.”<sup>6</sup>

Supporters of AA emphasize that the company has taken a stand on many controversial political issues aside from sexuality. For example, the company’s manufacturing, based in Los Angeles, California, is committed to avoiding sweatshop labor, paying the average manufacturer nearly twice the minimum wage, and subsidizing health insurance, English language classes and meals.<sup>7</sup> It opens retail outlets in economically depressed areas of metropolitan centers with an eye toward revitalization. The company has also publicly supported immigration liberalization with their “Legalize LA” T-shirts.<sup>8</sup> Further distinguishing AA from other clothing brands is the fact that their ad campaigns commonly feature company employees, shoppers, and amateur models, they do not touch-up or airbrush most images, and they often include short biographic

---

<sup>1</sup> Tom Reichert, “Does sex in advertising work?” Advertising and Society Review, Vol. 8, Issue 2, 2007.

<sup>2</sup> Jessica B., “Sex in advertising: Where is the line?” Designers Couch, <http://designerscouch.org/view-article/Sex-in-Advertising-Where-is-the-line-221>, May 5, 2010.

<sup>3</sup> Hilary Moss, “American Apparel Back to Porny Ads,” Huffington Post, [http://www.huffingtonpost.com/2011/01/12/american-apparel-ad-porn\\_n\\_808061.html](http://www.huffingtonpost.com/2011/01/12/american-apparel-ad-porn_n_808061.html), January 12, 2011; 20/20, “Sexy Sweats Without the Sweatshop,” ABC, <http://abcnews.go.com/2020/Business/story?id=1362781>, December 2, 2005.

<sup>4</sup> “Semi-Nude model ‘looked under 16,’” BBC, [http://news.bbc.co.uk/2/hi/uk\\_news/8232162.stm](http://news.bbc.co.uk/2/hi/uk_news/8232162.stm), September 1, 2009.

<sup>5</sup> Mark Morford, “Porn Stars in My Underwear,” San Francisco Chronicle, <http://www.sfgate.com/cgi-bin/article.cgi?file=/gate/archive/2005/06/24/notes062405.DTL>, June 24, 2005.

<sup>6</sup> Jamie Wolf, “And you thought Abercrombie and Fitch was pushing it,” <http://www.nytimes.com/2006/04/23/magazine/23apparel.html?pagewanted=1&adxnnl=1&adxnnlx=1309480055-1lw6MENbioMAU%20uk/lwew>, April 23, 2006.

<sup>7</sup> Christopher Palmeri, “Living on the Edge at American Apparel,” Business Week, [http://www.businessweek.com/magazine/content/05\\_26/b3939108\\_mz017.htm](http://www.businessweek.com/magazine/content/05_26/b3939108_mz017.htm), June 27, 2005.

<sup>8</sup> “Legalize LA,” American Apparel, <http://americanapparel.net/contact/legalizela/>, June 14, 2010.

descriptions of the models. These factors have led some in the advertising industry to praise the company's honesty.

By most accounts, AA's sexually-charged advertisements are a reflection of the company's internal atmosphere and the guiding force of company founder and CEO, Dov Charney. The CEO encourages the hiring of physically attractive people at all levels of the company and favors open sexual relationships between coworkers. According to Charney, "Sex is a way to bring people closer," and people engaged in or hoping for such close relationships will be encouraged to happily spend time at work. Further, Charney sees AA as confronting taboos against natural sexual expression in the same way it confronts unfair labor practices. Accordingly, Charney is open about his widespread sexual relationships with subordinate employees and his use of "the language of the street," including referring to women using words like "slut" and "cunt."<sup>9</sup>

Several former employees of Charney have objected to the sexualized culture at AA and have alleged that the company violates sexual harassment laws. Charney reportedly required retail outlets to send him pictures of staff members and encouraged firing "ugly people."<sup>10</sup> According to one ex-employee, Irene Morales, Charney demanded sex as a condition of employment. Many others contend that AA's atmosphere is so open to sexual conduct that Charney masturbates in front of employees and gives others vibrators saying "these are great in bed."<sup>11</sup> Supporting such claims is an interview with Claudine Ko of *Jane Magazine*, during which Charney reportedly had oral sex with an employee and masturbated.<sup>12</sup>

According to Charney, "any sexual activities described in the *Jane* article were, A, consensual; B, enjoyable for both parties; and C, occurred in a private setting." Ko confirms that she consented to be present for the activity, but former employees argue that the culture at AA represents an intolerably hostile work environment. Charney views the sexualized climate of his company as a natural extension of the fashion industry. AA now requires employees to sign a statement acknowledging that they will be exposed to racy language and images. Critics point out that no private action can justify sexual harassment and contend that the sexual culture at AA is beyond anything justified by fashion.

---

<sup>9</sup> Josh Mankiewicz, "Sexy marketing or sexual harassment," Dateline MSNBC, [http://www.msnbc.msn.com/id/14082498/ns/dateline\\_nbc/t/sexy-marketing-or-sexual-harassment/](http://www.msnbc.msn.com/id/14082498/ns/dateline_nbc/t/sexy-marketing-or-sexual-harassment/), July 28, 2006.

<sup>10</sup> The Cajun Boy, "We Predict more lawsuits in Dov Charney's future," Gawker, <http://gawker.com/5323472/we-predict-more-lawsuits-in-dov-charneys-future>, July 27, 2009.

<sup>11</sup> Mireya Navarro, "His way meets a highway called court," The New York Times, <http://www.nytimes.com/2005/07/10/fashion/sundaystyles/10HARASS.html?pagewanted=all>, July 10, 2005.

<sup>12</sup> Claudine Ko Jane, "Meet your new boss," Jane, <http://www.claudineko.com/storiesamericanapparel.html>, July 2004.