



Case Report

1	Case Number	0020/13
2	Advertiser	Bras n' Things
3	Product	Clothing
4	Type of Advertisement / media	Transport
5	Date of Determination	30/01/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for the Kardashian Intimates Kollektion available exclusive at Bras and Things in Australia and NZ nationally. The advertisement shows the Kardashian's (three sisters) wearing the items being marketed. The image is lifesize with each woman shown, in a non sexualized manner, wearing the lingerie.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

While this picture might be suitable in a titillating adult magazine, it's totally unsuitable for the back of a bus where everyone including kids can see it. My little boy's jaw dropped as he got an eyeful. I posted this complaint on Facebook and so far everyone agrees - it's a public comment so you can see it here, as one poster said, "inappropriate doesn't begin to describe it..."

I've nothing against the Kardashians but this is far too sexual for young kids to be exposed to. Here are some of the FB comments my post attracted in the first five minutes.

Sorry but is this really suitable advertising on the back of a bus where kids can see it? My little guy's jaw dropped as he got an eyeful. Am I getting old or is this just motherhood?!?! Not suitable!

I'm far from prudish, but I agree with you Yas, ads like that shouldn't be displayed where young children can see it..

Ridiculous- and I don't even have kids! How on earth does this get approved???
I'm sorry but I am laughing so hard. Inappropriate is an understatement.
It's wrong!! Advertising should have the same law as TV G,P.G,M,MA ,R ...Let this stuff stay in Play-boy Mags
That's a traffic accident waiting to happen..
My sons are in there 30's and they think it's funny....but I feel it is totally inappropriate anywhere. This is why our teenage girls feel so worthless, stressed, ugly, valueless.....try and tell a teenager that these women spend thousands to stay that way and never enjoy a decent feed. They don't even suffer severe period pain....they pay someone to do that for them. Well, that is what they portray.
Considering it's the Kardashians, I guess you were lucky they even had "clothes" on at all.
It's not just kids that don't need to see this stuff, I don't particularly want an eyeful of Kardashian boob in my face either....
It's really wrong. Our young girl is trying to make sense of it what it is to be female. This sure isn't helping. I can't see who it's for but I've found that if a lot of people make a lot of noise, it can have the capacity for brands to re think... but we're not really this target audience!
The Kardashians shouldn't be displayed where humans can see them.
Well I am not a mother... but I am ageing... I think the art of "intrigue" is becoming.

THE ADVERTISER'S RESPONSE

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

- 1. We do not believe that the advertisement breaches the code or community standards;*
- 2. In the view, there are no corrections to be made and there are no exaggerations or misrepresentations contained in the same;*
- 3. The advertisement is in relation to underwear sold by the advertiser;*
- 4. The advertisements contain images of the Kardashian's (three sisters) wearing the items being marketed;*
- 5. The underwear is marketed as being suitable for women of all shapes and sizes in a variety of situations;*
- 6. It is reasonable and necessary to depict the items being modelled in the advertisement, that is women wearing underwear in an advertisement for underwear;*
- 7. There is no direct or indirect reference or depiction of sex or nudity in the advertisement;*
- 8. The advertisement does not sexualise or objectify women;*
- 9. The images are not overly revealing in the context of the product being advertised and to the contrary the advertisement is of three well known sisters and is designed to be a glamour shoot, any sexualisation in this context would be frankly perverse and contrary to the image of the product;*

- 10. The Images are typical of those used to advertise products of this nature;*
11. The images and publication are consistent with those used in campaigns in other jurisdictions where no complaint has been received or is know of.

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 the complainants’ concerns that the advertisement depicts an overtly sexualised image which is inappropriate for a broad audience that includes children.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the advertisement features a large, back of bus advertisement that is an image of the Kardashian’s (three sisters) wearing lingerie and standing in the doorway of an opulent ballroom. The text reads “Kardashian Kollection intimates, only at Bras N Things”.

The Board noted that the models are wearing underwear which is sold by the advertiser and that there is no inappropriate nudity or exposed private parts of the women. The Board considered that the image is relevant to the product.

The Board noted there is a level of community concern about the sexualisation of children and acknowledged the placement of the advertisement on a transport medium meant that the relevant audience was very broad and could include children. The Board acknowledged that some members of the community might be offended by the advertisement but considered that the image is only mildly sexualised and is not offensive or inappropriate.

The Board noted that there is no reference to sex in the advertisement and that the images are typical of those used to advertise products of this nature.

The Board noted that it is reasonable for an advertiser of lingerie to use their products in their advertising and noted that it had previously dismissed complaints for images for the same advertiser (110/12 and 146/12). The Board noted that the women are posed in a manner which is clearly intended to show the lingerie and is not overtly sexualised.

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

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.