



Ad Standards Community Panel
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Case Report

1. Case Number :	0029-22
2. Advertiser :	Bras n' Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	23-Feb-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement features various images of women in lingerie with the words "I come first" superimposed over the top.

THE COMPLAINT

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

While the text alone could be interpreted two ways- lifestyle or orgasm- the accompanying image makes it clearly sexual. While a 6 year old may not understand, 12 and 13 year olds do. This belongs inside an adult shop, not in your face in a family-friendly shopping centre. The lingerie isn't even the point. The text wording, emphasis and detail of the woman, combined, would even be inappropriate if she was in conservative clothing/sleepwear. Please have it removed.

It's a double entendres campaign calling it "I COME FirST " splashed all over the Giant screen whilst woman wear sexy lingerie not every day lingerie advertising for Valentine's Day ...

A double entendres is a figure of speech or worded in a particular way so it's devised to have a double meaning which one isn't obvious but conveys the message that is socially awkward, sexually suggestive, or offensive to state directly..

Sexual poses including legs apart.



The shop front sign writing slogan immediately beside it is “I come first” and the “i” because of its placement is not immediately obvious, so it appears to say “COME FIRST”.

A woman in lingerie, pouting, with legs apart is not ‘putting herself first’.

At The Glen there is a Boost Juice immediately in front of the thoroughfare to Bras n Things. It is not something you can just walk on past. People are stopped, waiting for drinks, and children are looking at these representations of women.

This is not a clever play on words, it’s soft porn.

THE ADVERTISER’S RESPONSE

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

*This was from our Valentine’s Day that ran from 27th January – 14th February
The campaign name was I COME FIRST and the campaign is built around women
prioritising themselves and putting themselves this valentine’s day*

I can say without question that there is none of the below in the campaign and as a brand we have spent a lot of time over the past few years working at research and the brand imagery to ensure we are being progressive, relatable, and inclusive. We do however work in lingerie and imagery around this (and anything really) will always be subjective.

- 2.1 - Discrimination or vilification
- 2.2 - Exploitative or degrading
- 2.3 – Violence
- 2.4 - Sex, sexuality and nudity
- 2.5 – Language
- 2.6 - Health and Safety
- 2.7 - Distinguishable as advertising

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’ concern that the advertisement featured inappropriate nudity and sexuality.

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 includes:



“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 noted that the advertisement did not feature imagery of any two people interacting. The Panel noted that in all 14 images the women did not have their hands near their genitals. The Panel considered 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 women in the advertisement were depicted in lingerie with the words ‘I come first’ and that this was a depiction which 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 considered that the women in the advertisement were depicted in lingerie and that this did constitute 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 appears in store windows and considered that the relevant audience includes retail workers, people shopping in the Bras n’ things store and people who are not shopping at Bras n’ Things but who are walking past the store, and that this last group would include children.

The Panel noted that although the women were depicted in lingerie, their breasts and genitals were appropriately covered. The Panel considered that most members of the community would not consider the depiction of women in lingerie on the outside of a lingerie shop to be inappropriate nudity.

The Panel considered that the poses of the women were relaxed and confident and they were not posed in an overtly sexual manner.

In particular the Panel noted the images where:

- a woman had her head tilted back to eat a cherry
- a woman was sitting on the ground with one leg bent in front of her leaning forward.
- A woman was lying so that she appeared to be upside down with her hips thrust in the air.

The Panel considered that while these images did contain women in lingerie in sexualised poses, the overall advertisement was not overtly sexual.

The Panel noted the words ‘I come first’ over most of the images. The Panel acknowledged that use of the word ‘come’ could be considered a double entendre, however in the context of images with only one person the Panel considered that the most likely interpretation of the phrase was that the women put themselves first.

Overall, the Panel considered that the advertisement did not feature overtly sexual imagery.

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.