



Ad Standards Community Panel
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Case Report

1. Case Number :	0030-22
2. Advertiser :	Bras n' Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	Cinema
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 cinema advertisement depicts several women in lingerie.

A voice-over states, "I'm not an object of desire, I am desire. I seek love from no-one but myself. I can play any role. Be who I want, when I want. Self-love is about choosing my own destiny. And carving out time just for me. They say love should come first. We should put it above everything else. That's why this valentine's day it's all about me. I come first."

THE COMPLAINT

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

The advertisement was not only what I would consider soft porn, but there were other women of varying sizes wearing very small and revealing pieces of lingerie and didnt leave much to the imagination. At one stage there was a plus size model wearing a g-string with her backside being in full view. I had my 11 year old daughter and 13 year old autistic son with me and was in shock when it appeared during a childrens movie. And the tag line was "I come first". Check out the website and imagine seeing that on the big screen. <https://www.brasnthings.com/valentines-day.html>

I was with my young niece and I thought that it was highly inappropriate to be using that type of what I thought was explicit sexual content and it was also deceptive. I was also shocking to see it in a cinema



This commercial was in my opinion soft porn and was shown on the cinema screen at a KIDS movie. I had my 2 girls and my husband with me and there were other families also present. It made us feel uncomfortable, not to mention how totally inappropriate it was!!

THE ADVERTISER'S RESPONSE

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

I have spoken with our media agency as the ad was not supposed to play in Spiderman or Clifford. This was an error on their part to which I am extremely sorry for to these consumers, especially Clifford as that is a children's movie. If you could please pass on our apologies there.

Regarding House of Gucci. This is an MA15+ film targeted at women. These ads are targeted to females to which there is no nudity. The campaign and promotion is built around women putting themselves first and prioritising themselves. We had the ad checked and spent a lot of time doing research around how women would like to be spoken to and what should be normalised. There is nothing in this advertisement that you would not see in a MA15+ film.

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 sexual scenes inappropriate for an audience which would include children.

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 one scene a woman appeared to slide her hands underneath the band of her shorts. The Panel considered that this may have been an allusion to masturbation but was not a depiction of masturbation. 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 references to 'self-love' and 'I come first' and that this 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 appeared in cinema advertising and had been seen during screenings of ‘House of Gucci’ and “Clifford”. The Panel noted the advertiser’s response that screening during the children’s movie was a mistake and steps had been taken to ensure it wouldn’t happen again. The Panel considered the relevant audience of the advertisement as it had been seen would have been broad and included 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 in an advertisement for lingerie to be inappropriate nudity.

The Panel considered that the poses of the women were relaxed, confident and only mildly sexual.

In particular the Panel noted the scenes where:

- a woman had her head tilted back and kissed a cherry
- a woman in a bodysuit with a g-string is seen from behind with her buttocks briefly shown.
- A woman in pyjamas is shown lying on her back sliding her hands under the waistband of her shorts

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

The Panel noted the theme of ‘I come first’ and the reference to ‘self-love’. The Panel acknowledged that the words ‘come’ and ‘self-love’ could be considered a double entendre, however in the context of the entire advertisement the Panel considered that the most likely interpretation of the phrase was that the women put themselves first and love themselves.

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.