



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0035-20</b>
<b>2. Advertiser :</b>	<b>Bras n Things</b>
<b>3. Product :</b>	<b>Clothing</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>12-Feb-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This poster advertisement is Christmas themed and depicts women in lingerie. There are three separate images which make up this advertisement. The first depicts three women in slips lying on the ground surrounded by presents. The second depicts two girls in red lingerie reaching for a pile of presents. The third depicts a woman in red strappy lingerie with a large bow on her head.

### THE COMPLAINT

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

*I and my family were offended that we were exposed to seeing girls/women wearing sexually revealing underwear, which people would wear in the privacy of their own homes. It is the type of underwear, it is raunchy and sexually explicit. This is a family shopping center and we should not be exposed to seeing images that are sexually explicit. We have the right to feel safe in the environment, and this image does not make me feel this way. It is unethical and shows too much nudity.*



## **THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

## **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 complainant's concerns that the advertisement depicted women in sexually revealing underwear and was inappropriate for display in public.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the depiction of the women in underwear is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement contained sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the lingerie being promoted was sexualised and that this did add an element of sexuality to the advertisement. The Panel considered that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted.



The Panel determined the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.

The Panel noted that the lingerie worn by the women covered their breasts and genitals, however considered that a lot of flesh was visible. The Panel considered that some members of the community would consider this to constitute partial nudity.

The Panel determined the advertisement did contain nudity.

The Panel then considered whether the advertisement treated the issues of sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'  
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears in store windows and considered that the relevant audience includes retail and service 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 be broad and would include children.

The Panel noted that recent research into community perceptions found that the general community were more conservative than the Panel's determinations relating to sexual imagery and nudity in advertising, and that the level of concern over nudity and sexualised content in advertising has been increasing over the last 10 years (<[https://adstandards.com.au/sites/default/files/2007-2017\\_community\\_perceptions\\_web.pdf](https://adstandards.com.au/sites/default/files/2007-2017_community_perceptions_web.pdf)>).

The Panel noted that the lingerie the women are wearing covers their breasts and genitals completely. The Panel considered that while a lot of flesh is visible, there is no explicit focus on their body parts, and the level of nudity in the advertisement is mild.



The Panel considered that the women are depicted in a fun and happy manner, appearing to celebrate Christmas together and that the tone of the advertisement is light-hearted and playful rather than sexualised. The Panel considered that the advertisement had a slumber party feeling, as some women are in lingerie while others are in sleepwear.

The Panel considered that the poses of the women were not sexualised and that the women were appropriately covered. The Panel considered that children viewing the advertisement would view a group of women having fun and laughing together, and would not view the advertisement as sexualised.

The Panel considered that while the advertisement did contain a mild level of sexuality, it was not overtly sexualised or inappropriate for the relevant broad audience.

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

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