



**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>0045-21</b>
<b>2. Advertiser :</b>	<b>Bras n Things</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>10-Mar-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This poster advertisement features a brunette woman standing near a tree with pink flowers and wearing black leather-look strappy lingerie - bra, underpants and garter belt.

### THE COMPLAINT

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

*This advertised picture is showing a barely covered woman as a sex object in full display in the front window of a ladies lingerie store. It would be more appropriate to be shown inside a sex store.*

*My objection is that the advertising material is inappropriate for general public of all ages. - not appropriate for my 10 year old grandson. The advertising material should be placed in store*

*The poster which covers half of the store front window (so very large) and features a model wearing underwear that is extremely low cut and only just covers her public area. It is more offensive as it is quite clearly suggestive of bdsm. It contains many straps around her waist and thighs, even leading up to her bra. This is offensive in a*



*shopping centre where children regularly go. They are not just selling underwear but selling bdsm and sex in general, which should not be forced upon children who are already being sexualised at an ever younger age.*

*Many children walk past this shop. The shop opposite Bras n things is Sketchers where many children shop and when you exit the shop, this larger than life poster is in your face and cannot be missed.*

*The poster is absolutely degrading toward woman and would for sure promote violent and perverse sex.*

### **THE ADVERTISER'S RESPONSE**

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

*I would like to start by saying there is no nudity whatsoever in the image  
There is mention of pubic hair in this complaint, there is none of that either – however if a women was not to remove her pubic hair then that is her decision and her story and something she should not feel she has to change either.*

*As a brand we have been looking at culture results and learnings from 2020 and there has been a reawakening of feminism through the power of provocation and positivity. Women have their own desires, own fantasies, own body and that are far too complex to fit into some contrived image of what's been there in the past. Women are the author of their own story, whatever that is. Our campaigns and imagery will continue to showcase this.*

*The image was used in two campaigns between January 25th and February 21st.*

*I am very passionate about women and this brand. I would never display nudity. Our ambition is to empower women to rewrite, reimagine and redefine the narrative. To inspire them to explore the many sides of who they are and who they could be. All while placing Bras N Things, and our products, at the forefront of it all.*

*AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N – general*

*There is no nudity shown here.*

*No sex.*

*And there is nothing suggestive or sexual here.*

*This is what women want to wear and the fact it was our number seller indicates this. We have not stepped outside of guidelines and I make a very careful effort to ensure that.*

*AANA Code of Ethics\2.2 Exploitative or Degrading\Exploitative - women*

*The images shown are different women showcasing different wants and needs for lingerie. There is nothing degrading about this image, it's powerful and showing women that they also can make their own choices.*



## **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' concerns that the advertisement is overly sexualised and objectifying of women.

The Panel viewed the advertisement and noted the advertiser's response.

**Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

*Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.*

### **Does the advertisement use sexual appeal?**

The Panel noted that the advertisement depicts a woman in black lingerie and considered that this image did contain sexual appeal.

### **Does the advertisement use sexual appeal in a manner that is exploitative?**

The Panel noted that the advertisement was for a lingerie product, and it was reasonable for the woman to be depicted wearing that product in the advertisement. The Panel considered there was no irrelevant focus on the woman's body or body parts and considered that there is no suggestion that the woman herself is an object or commodity.

The Panel considered that while the woman is wearing lingerie the focus of the advertisement is not irrelevantly on her body or body parts but rather on the details of the lingerie. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.

### **Does the advertisement use sexual appeal in a manner that is degrading?**

The Panel considered that the depiction of the woman was relevant to the promotion of lingerie and this did not lower the women in character or quality.



The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

### **Section 2.2 conclusion**

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“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 considered that the woman is not engaging in sexual activity. The Panel considered that 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 woman was wearing lingerie and there was a sexual element to the advertisement.

### **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 noted that the woman in the advertisement is depicted in lingerie, and considered that this is a depiction of partial nudity.

### **Is the issue of sexuality 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 the lingerie is made from a solid material and that the woman’s breasts and genitals are covered, however noted that her mons pubis is partially visible due to the lingerie style.

The Panel considered that the woman does not have a sensuous or suggestive facial expression, rather she appears poised and in a neutral pose.

The Panel noted some complainant’s concerns about whether the woman depicted had pubic hair and whether it was visible. The Panel considered that there is no pubic hair depicted in the advertisement, and a lack of it was not by itself sexualised.

The Panel noted a complainant’s concern that the lingerie, and therefore the advertisement, promote violent and perverse sex. The Panel noted that some members of the community may be uncomfortable with this style of lingerie being



promoted, however considered that most members of the community would recognise that advertisers are entitled to advertise their products.

The Panel considered that the sexual element of the advertisement was mild and not overt and was not inappropriate for a broad audience that would include children.

#### **Section 2.4 Conclusion**

The Panel determined that 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.

#### **Conclusion**

Finding that the advertisement did not breach Section 2.4 of the Code, the Panel dismissed the complaints.