



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0051-22
2. Advertiser :	Brand Developers
3. Product :	Toiletries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	9-Mar-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This television advertisement features women posing and touching their faces to promote Thin Lizzy beauty.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*It's make up we don't need to see women stroking each other's faces and wearing provocative outfits to sell make up. We are definitely not prudes.
Sexualising women*

*My very young children watch 10 shake in the mornings and I don't believe the advertising on the Townsville service is appropriate. Throughout the children's programming constant adverts for 'thin lizzy' makeup showing sexualisation of females through makeup is on most commercial breaks.
I don't agree with all commercial breaks for the children's viewing consisting completely of adult infomercials, and having come from Brisbane where the commercials are appropriate it is hard to watch, and should be more children*



appropriate, however I believe the commercial listed above needs to be removed from the programming.

The ad shows young girls in only a lacy bra up top, with a skimpy jacket over the bra. The jacket is not done up, and showing the bra.

I don't call underwear suitable for TV, and I feel the ads are exploiting young girls on public TV, wearing underwear.

THE ADVERTISER'S RESPONSE

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

In the basis that the panel dismissed similar complaints recently for the same advertisements, we conclude that the same outcome will be reached for this complaint, therefore no defensive response is being sent.

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 is sexualised and inappropriate.

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

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

Does the advertisement use sexual appeal?

The Panel considered that the music in the advertisement is mildly sexualised, and noted that the imagery features several women in model-like posing (dancing, touching their faces).

The Panel considered that the advertisement did contain sexual appeal.

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

The Panel noted that the advertisement is a branding ad for beauty products and considered that scenes of women touching their faces and bodies is relevant to the brand and the products available. The Panel considered that the clothing the women



wear is somewhat revealing but is a reflection of current fashion, and the close-up scenes of the models are not gratuitously directed at particular body parts.

The Panel considered that the women in the advertisement are not treated as objects or commodities, nor is there a focus on their body parts. The Panel considered that the advertisement did not use sexual appeal in a manner that is exploitative.

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

The Panel considered that the women in the advertisement are shown in a confident manner, and their depiction is consistent with fashion and modelling imagery. The Panel considered that the women were not lowered in character or quality. The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to women.

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 depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable. 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 none of the women in the advertisement were engaged 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 had similar considerations under Section 2.4 as it did under 2.2 in regards to whether the advertisement depicts sexuality. The Panel considered that for the reasons discussed under Section 2.2, the image did depict 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 noted that the women are all clothed. The Panel noted a complainant’s comment that a girl is shown in a lacy bra, however the Panel determined that the top is actually a crop top and is clothing rather than lingerie. The Panel considered that the advertisement did not contain 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 advertisement is broadcast on television and that the relevant audience would be broad and would include children.

The Panel noted that the advertisement received a G rating by ClearAds and was aired at a time appropriate to the rating (<https://www.clearads.com.au/storage/final-clearads-handbook-version-ca12.pdf>).

The Panel considered that there is a degree of sexuality in the advertisement, however the Panel considered that most members of the community would recognise the overall showy theme of the advertisement and consider a tacky depiction of sexuality in this context not to be unreasonable.

The Panel considered that there was no undue focus on nudity or the women’s bodies and the overall impression of the advertisement was sexualised, but not strongly.

The Panel considered that while the advertisement may be viewed by a broad audience including children, the imagery was not explicitly sexual. The Panel considered that the advertisement did treat the issue of sexuality in regards to the imagery of the advertisement with sensitivity to the relevant audience.

Section 2.4 Conclusion



The Panel found 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.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.