



Case Report

1	Case Number	0057/11
2	Advertiser	Loyal Lingerie
3	Product	Clothing
4	Type of Advertisement / media	Mail
5	Date of Determination	09/03/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Images of women wearing g-strings. Three photos show just the bottom or groin area of a woman, the fourth photo shows two women stood together with their arms covering their naked breasts.

The accompanying text reads, "Loyal Lingerie. Phone 9742 6680. Shop T38 Chullora Market Place, 355 Waterloo Rd Chullora."

THE COMPLAINT

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

*It is very offensive to receive this sort of rubbish in the mail (even if I didn't want to receive junk mail) this is still ridiculous. It showed nudity to some extent. I was especially disappointed that my 6 year old found it before I did. It sure it is M rated & I don't believe lingerie should be advertised in this manner. I've seen other stores advertise their clothes respectively. It could've been distributed in an envelope (maybe).
The store is located at Chullora market place & had already advertised in their booklet (which we also received at the same time through the mail) so I don't see why it was relevant to go ahead with the pamphlet revealing too much. I avoid my children being exposed to such things & expect the mail to stay as a safe place for them also.*

THE ADVERTISER'S RESPONSE

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

The advertisement was a 1 page A5 size pamphlet distributed in a mailbox drop in the local area only. It is my understanding that complaints are not forwarded to the board if the advertising is local advertising.

The advertisement is actually for underwear. Whether or not the complainant likes/wears this kind of underwear – it is a common clothing item.

No sex or sexuality was depicted.

There is no frontal pictures at all, clothed or otherwise.

The posing of the models is in a standing position. No sexual stance nor insinuation. Other stores advertise underwear with the models in seductive poses..this does not.

With reference to the complaint about multiple advertising, each business is free to advertise as common or as little as they decide to.

With reference to the nudity i.e. the picture of the g-string on a person ..having children of my own..even kids shows have characters (spongebob squarepants) that walk around in underwear and also drop their pants, showing only the bottom from behind as part of the show.

What was in the pamphlet was not anymore than one would see at the beach or local swimming pool.

As for the audience, it was not targeted at children and generally speaking the receiving of mail is almost always to the adult residents of a household. I don't believe it's very often that a 6 year old is waiting on anything in the mail including bills or the latest specials at woolworths.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concerns that the advertisement features offensive nudity and was inappropriate for distribution through the mail.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that the advertisement depicts images of women wearing g-strings and that in three of the images all that is depicted are the women’s bodies from the tops of their legs to

their waists. In one image two women are also depicted topless although their arms are covering their breasts.

The Board's role is to decide whether the advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant time zone.

The minority of the Board considered that the images of models posing wearing the product – lingerie – was relevant to the product and the images were focused on the underwear the models were wearing. The minority of the Board considered that the women's poses were not sexually suggestive and that the advertisement was not inappropriate.

However, the majority of the Board considered that the images of woman wearing the g-strings on the first page of the flyer are more revealing than mainstream underwear advertisements and that the type of underwear creates a sexualised tone to the advertisement.

The Board noted that these images are in a flyer placed in post boxes and are therefore potentially available to children.

The Board also acknowledged that research conducted into community standards, conducted in 2007 and 2010 by the Advertising Standards Bureau, suggested that images such as this may be unacceptable to a broader range of people in the community.

The majority of the Board determined that, based on the fact that this flyer was delivered in the mail, the advertisement did not depict nudity with sensitivity to the relevant audience and therefore breached section 2.3 of the Code.

Finding that the advertisement breached section 2.3 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

I accept to withdraw the advertising.