



Case Report

1	Case Number	0072/13
2	Advertiser	Myer/Grace Bros
3	Product	Clothing
4	Type of Advertisement / media	TV
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The 15 seconds TV advertisement contains images of a woman in underwear. Featured within the TV commercial are underwear products ranged by Myer from three key brands - Pleasure State, Sass & Bide and Calvin Klein.

TV Air dates: Tuesday 12 February 2013 to Saturday 16 February 2013.

THE COMPLAINT

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

The commercial was bordering on pornographic with suggestive camera angles and focussing in closely on particular areas of the female model. The accompanying music was sultry as well. For a commercial that immediately preceded The Lion King it is highly inappropriate. Commercials like this should be in different time slots, not at 6:30pm on a Saturday evening.

THE ADVERTISER'S RESPONSE

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

Myer has reviewed the concerns raised by the complainant regarding the recent TV advertising of certain Intimates underwear (“TVC”) that aired from Tuesday 12 February to Saturday 16 February 2013.

We note and are aware that section 2.4 of the Advertising Standards Bureau AANA Code of Ethics states that “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

Myer has procedures and advertising guidelines in place for the development of advertising. In the instance of TV advertising, Myer seeks CAD approval prior to the advertisement being aired to the public. Once a TVC is approved by CAD with a classification, the TVC is submitted to the broadcasters. The broadcasters then determine the actual time the TVC is aired based on its rating.

Myer is of the view that the images contained in the TVC do not discriminate or vilify sexuality or nudity that would contravene prevailing community standards, and that the advertisement is not actively directed towards children.

The TVC is for women’s underwear (lingerie) and therefore it is reasonable and acceptable to depict women wearing underwear. All images, including the close up shots, of the underwear products being modelled in the TVC are mild with no nudity and treated with sensitivity.

Myer has not received any other similar complaints and CAD did not raise any issues in respect of the matters raised by the complainant when approving the TVC.

Based on the above, Myer does not believe that the TVC contravenes section 2 of the AANA code of ethics.

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 complainants’ concerns that the advertisement depicts skimpily clad women dancing in a sexualised manner and that it is not appropriate for viewing by children.

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

The Board 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 Board noted that the advertisement features a woman wearing different versions of lingerie belonging to various designers and available at Myer. There is music in the background and the beginning text reads “The Autumn Winter Edit” and at the end of the advertisement says “Myer – Find your perfect fit”

The Board noted that it was reasonable for an advertiser to depict its products being modelled in its advertising. The Board noted that we see the women moving in a sultry manner, touching her hair and looking seductively at the camera. The Board considered that the movements were not overtly sexualised and that the close up of the underwear in the advertisement was appropriate for an underwear advertisement.

The Board noted that the lingerie worn by the model is product available for purchase in store and that at all times, the woman is fully covered and there is no inappropriate nudity or

exposure. The Board noted that the advertisement had been rated “PG” by CAD and considered that the content of the advertisement was in keeping with the potentially broad viewing audience which could include children.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.