



## Case Report

|   |                               |                     |
|---|-------------------------------|---------------------|
| 1 | Case Number                   | 0109/14             |
| 2 | Advertiser                    | Capri Body Fashions |
| 3 | Product                       | Lingerie            |
| 4 | Type of Advertisement / media | TV                  |
| 5 | Date of Determination         | 23/04/2014          |
| 6 | DETERMINATION                 | Dismissed           |

### ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement features women from 25 to 82 years old walking the streets of Launceston proudly wearing their lingerie. The final scene shows them putting their clothing in to a large bin and setting fire to it.

### THE COMPLAINT

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

*At the end of the advert the ladies put clothing in a bin and put on some liquid to make it burn, before setting fire to it. This is extremely dangerous. There is nothing to identify the liquid . Not a good example of safety.*

### THE ADVERTISER'S RESPONSE

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

*We are trying to recreate the burning of the bras. We sell lingerie and what better way to get our point across but with the idea of getting rid of your clothing and feel confident and comfortable with your body in beautiful lingerie.*

*\*The ad is targeted at adults who will understand the concept*

*\*Accelerant wasn't used nor was it stated that it was accelerant in the jerry can*  
*\*The lighting of the drum isn't actually shown*  
*\*The ad doesn't portray images of unsafe behaviour*  
*\*We have CAD approval for a PG rating*  
*\*We had Fire officers present at the making of the ad*  
*We feel that there are so many ads that you can make or take what you want from the. We refer to the series of James Boag's Commercials-will a child push his Mum into the river, believing she will come out looking beautiful.*

## **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 concern that the advertisement depicts women setting fire to clothing in a bin which is dangerous.

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 women parading down a street in their lingerie carrying their clothing or banners advertising Capri. The Board noted that the women then place their clothing in a bin and set fire to it.

The Board noted that the advertisement features a range of ages and body types all wearing differing styles of lingerie and considered that it is not inappropriate for a lingerie company to depict women wearing their product in their advertisements. The Board noted that the private areas of all women are covered and considered that the level of nudity is not inappropriate and the advertisement is not strongly sexualised.

The Board noted that the advertisement had been rated ‘PG’ by CAD and considered that the depiction of women wearing lingerie was not inappropriate for the relevant PG audience which would likely include children.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the scene at the end of the advertisement where the women use a lighter to set fire to their clothing in a bin and considered that this is a light-hearted reference to women burning their clothes instead of their bras.

The Board noted the advertiser's response that the advertisement was filmed under the supervision of Fire Officers and that accelerant was not used in the lighting of the fire. The Board noted that a woman pours a clear liquid in to the bin prior to the fire being lit and considered that although it is not made clear what this liquid is, it is not unreasonable to assume that it was an accelerant. The Board noted the health and safety issues surrounding lighting a flammable liquid with a lighter in a public place but considered that this scene is very brief and the women are all behaving in a manner which is controlled and not reckless which suggests that they are following safe precautions.

The Board considered that the advertisement does not encourage unsafe behaviour regarding the lighting of fires and overall plays on the concept of women burning their clothes instead of their bras.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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