



Ad Standards Community Panel
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Case Report

1. Case Number :	0172-21
2. Advertiser :	Bras n Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	23-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This TV On Demand advertisement features many scenes of women posing in lingerie:

- A close up of a woman's mouth
- A woman wearing pink lingerie standing next to televisions stacked together
- A woman making a heart over her eye with her hands
- A woman holding a flower
- A woman in black lingerie
- A woman in black lingerie taking off a robe
- A woman in white lingerie dancing
- A woman in blue sleepwear in a bed
- A woman appearing to cry
- A woman in green lingerie
- A woman in white lingerie looking at herself in mirrors
- A woman in black lingerie with an opening flower image superimposed translucently over her
- A woman in black lingerie who places her hands over each of her breasts and shakes them
- A woman in pink lingerie
- Several fleeting images of fruit
- A woman in blue lingerie
- A close up of a woman's mouth



A woman in white lingerie and a jumper
Three fast scenes of a woman in white lingerie, a woman in black lingerie and a different woman in white lingerie
The text 'I am many things' on screens, and the business name.

THE COMPLAINT

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

The sexualised positions of the models and the focus on mouths and fruit which are sexualised and not about the product being advertised

It's being shown with a G rated show and it's not appropriate for children. I don't think 10 and under children should be made to watch these inappropriate product launches which have no benefit to the company anyway!!!!

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

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:

depicts sexualised positions of the models
has a focus on mouths and fruit which are sexualised and not about the product being advertised.

The Panel viewed the advertisement and noted the advertiser did not respond.

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 the advertisement featured a number of women in lingerie and in particular noted that one of the women is depicted lying on a bed running her hands over her body and another woman is depicted shaking her breasts. 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 overall theme of the advertisement is that women are complex and are in control of their own stories/lives. The Panel considered that the advertisement did not portray the women as objects or commodities. The Panel noted that the advertised product is lingerie and that any focus on the woman's bodies was directly relevant to the advertised product.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

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

The Panel considered that the advertisement presented the women as strong and in control. The Panel noted that the overall theme of the advertisement is that women are complex and are in control of their own stories/lives. The Panel considered that the advertisement did not portray the women in a way which lowered them in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the 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 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 visual focus of the advertisement was on the products being promoted and the voice over was detailing the many aspects of a woman’s story. The Panel considered that the advertisement did not suggest or depict 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 noted the advertisement featured a number of women in lingerie and in particular noted that one of the women is depicted laying on a bed running her hands over her body and another woman is depicted shaking her breasts. The Panel considered that both scenes and the advertisement as a whole contained 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 advertised product is lingerie and the women are portrayed wearing the product. The Panel considered that while the women's genitals and entire breasts are not exposed, some members of the community would consider the depiction of a person in lingerie to constitute partial nudity.

Are the issues of sexuality and nudity 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 was broadcast on TV On Demand and that the complainants' had viewed it while watching Masterchef. The Panel considered that the audience of the advertisement would be broad and may include children.

The Panel noted a complainant's concern about a focus on mouths and fruit which are sexualised and not about the product being advertised.

The Panel noted that scenes showing images of fruit were very fleeting, lasting less than a second, and noted that the scenes are simply of fruit with no person interacting with the fruit. The Panel noted that there are scenes showing a close up of a person's mouth however in both the woman is smiling and showing the gap in her teeth and the Panel considered that the scenes are not sexualised.

The Panel noted the scene where a woman is lying on her back wearing sleepwear on a bed running her hands over her stomach. The Panel noted that the woman's hands are near her stomach and that they are not near her genitals. The Panel considered that while this pose is mildly sexualised, this scene did not contain a level of sexuality which would be inappropriate for the relevant audience of Masterchef or general TV On Demand viewers.

The Panel noted the scene where a woman in black lingerie places her hands over each of her breasts and shakes them. The Panel noted this scene is very brief and the woman is shown laughing immediately beforehand. The Panel considered that the woman is not performing the action in a sexualised manner. The Panel considered that while this pose is mildly sexualised, this scene did not contain a level of sexuality which would be inappropriate for the relevant audience of Masterchef or general TV On Demand viewers.

The Panel considered that overall the visuals in the advertisement were fast moving and there was no particular focus on any of the women's bodies or body parts. The



Panel considered that the level of sexuality and nudity in the advertisement was appropriate for the relevant audience.

Section 2.4 Conclusion

The Panel determined 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.