



Ad Standards Community Panel
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Case Report

1. Case Number :	0218-22
2. Advertiser :	Bras n' Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	28-Sep-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This video advertisement in the window of a store features a series of images of women in underwear including:

- Two women, one in white bridal underwear and robe and one in blue floral underwear and matching robe, posing and falling backwards into a seat
- A woman in a purple lingerie set pushing away the camera, touching her lips, raising a glass, pulling on stockings and spinning around
- All three women posing and laughing on a seat and then dancing
- Three women in lingerie and sleepwear posing outdoors with a statue.

THE COMPLAINT

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

As a parent of two girls and now a grandparent to a 6 year old girl I cannot help but think that this is desensitising children to expect wearing G strings and bending over in front of cameras is normal acceptable behaviour? I have no objection to the content being shown inside the shop because once you enter you know what you are in for. My objection is it being is the content is displayed giving me no choice but to view it if I walk by with my 6 year old Granddaughter. No fair!,,



THE ADVERTISER'S RESPONSE

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

Firstly, I would like to apologise that we have offended anyone in any way. Our brand is certainly not designed to make girls or women feel uncomfortable, we are all for supporting women to confidently be themselves and also showcase all women and bodies in order to normalise the expectation for girls around what bodies look like. There is never any nudity in our ads and this particular campaign in question was when we had our bridal campaign running which includes many categories including lingerie and sleep. We cater to many customers so the array of the categories on display may vary.

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 complainant's concerns that the advertisement is inappropriate to be displayed where children can view it.

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

Section 2.4: Advertising 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 advertisement depicted several women dancing in underwear, however the women were not engaged in sexual activity. 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 tugging her bra straps above the cups which lifts her breasts. The Panel considered that the advertisement 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 image appears in store windows and considered that the relevant audience includes retail workers, people shopping in the Bras n Things store and people who are not shopping at Bras n Things but who are walking past the store, and that this last group would include children.

The Panel noted in particular the scene where a woman is depicted tugging her bra straps above the cups which lifts her breasts. The Panel considered that while this action is mildly sexualised, this scene did not contain a level of sexuality which could be described as overt and would be inappropriate for a broad audience.

The panel noted that the women are depicted in bras, underpants, shorts-style underpants and robes. The Panel noted that one woman is wearing all white lingerie, the women have champagne, and the slogan is “I do my way”. The Panel considered that the theme appears to be a pre-wedding celebration.

The panel noted that the women are dancing, spinning and laughing, and the advertisement feels fun and light-hearted rather than sexual or sultry.

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, nor was there a sexual theme. 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 complaint.