



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0229-21
2. Advertiser :	Bras n' Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	Billboard - Digital
5. Date of Determination	11-Aug-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement contains a video and various still images as part of the "I am many things" campaign.

THE COMPLAINT

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

I object to:

- the sexualised poses and dancing*
- the model in the g-string with most of her behind showing*
- the lack of CHOICE over seeing these images.*

The models are not just wearing the lingerie, they are moving and posing in sexualised ways. There is a focus on breasts and behinds. It is sexualised advertising. As this was in the shopfront of a window in a shopping centre, I didn't get the CHOICE to see this. Had my 13 year old children been with me, they also would not have had the CHOICE. We pay for a filter on their laptops to protect them - and me - from what are deemed sexual images. Being in a Westfield Shopping Centre, the audience would include children of all ages, from very young through to 17. Children must be protected from images of adults looking and behaving in sexualised ways.

THE ADVERTISER'S RESPONSE



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

It is disappointing to hear someone found our brand inappropriate or offensive. The content in question for Doncaster is a solutions-wear campaign, the campaign has since concluded and been replaced with a loungewear campaign.

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 features sexualised imagery which is not appropriate for display in a shopping centre.

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

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. 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 dancing. The Panel considered that 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 these images appear in store windows in shopping centres and considered that the relevant audience is broad and includes retail workers, people shopping in the 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 the scenes where women in white and black lingerie are dancing and considered that the women's movements are not particularly sexualised and the overall feeling is of fun rather than sexuality.

The Panel noted that one of the women is depicted wearing a black g-string, both in a video while dancing, and in a still image where she is kneeling on the ground.. The Panel considered that although the underwear is thin, the woman's genitals are completely covered and the focus of this scene and still image is on the woman's entire body and not her genital region.

The Panel noted a scene of a woman in a white body suit dancing, noting that her hands move to her breasts at one point. The Panel noted that she only briefly touches her breasts as part of a dance move and this move is not sexualised. The Panel noted that the body suit fully covers her breasts and genitals and the movement of the woman's hands does not draw particular focus to her breasts.

The Panel noted that the woman in the white body suit is also briefly depicted from behind while dancing, and that the high-cut of the body suit means that a large portion of her buttocks can be seen. The Panel noted that the woman's gluteal cleft is not visible, and that the level of nudity was not inappropriate for a broad audience.

Overall, the Panel considered that the visuals in the advertisement were fast moving and there was no particular focus on any of the women's bodies or body parts and that they were not overtly sexual. The Panel considered that the level of sexuality and nudity in the advertisement was appropriate for the relevant broad 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.