



## Case Report

1	Case Number	0293/10
2	Advertiser	Fantasy Lingerie
3	Product	Clothing
4	Type of Advertisement / media	TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

The left hand side of the screen flashes up various static images of different models wearing different styles of lingerie. On the right hand side of the screen it says "Fantasy Lingerie, Sizes 6-22" and the various different descriptors flash up: "Sensual", "Provocative", "Alluring", "Affordable".

A female voice over describes the product and finishes by saying "Fantasy lingerie, only available online at [www.fantasylingerie.com.au](http://www.fantasylingerie.com.au)"

### THE COMPLAINT

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

*I have young children whom I do not wish to be subjected to this type of suggestive sex related advertisement that as far as I know used to only be advertised after 11pm or even past midnight. Children are impressionable and should be free to watch television in the afternoons after school safely. I am very shocked and offended by this company showing several women wearing the different types of lingerie that were titled fantasy lingerie so they were very provocative and suggestive especially to young boys & young children. These are not the images nor the time of day for such an advertisement. It was even featured in an advertisement interval during Oprah a very popular daytime show for many.*

*I found these images to be highly sexualised and inappropriate, not only for daytime television but advertising in general!! As a 32 yr old wife and mother I find the sexual exploitation of women and their bodies in advertising to be degrading, dishonouring and completely inappropriate for any time of day or night!!*

*I am OUTRAGED that this material is allowed to be shown!!! The CONTENT of this Ad IS SOFT PORN and SEXUAL EXPLOITATION of women and sends the WRONG MESSAGE to society! THIS ADVERTISEMENT NEEDS TO BE TAKEN OFF AIR IMMEDIATELY!! On 23/05/10 I sent a written complaint to Channel 10 (GPO Box 10 Sydney NSW 2001) expressing my concerns (as above) and received a letter back from the Regulatory Officer stating that he had no record of it being broadcast. He is ABSOLUTELY mistaken on that Fact!!!! Today I have sent a second written complaint to him regarding this same advertisement AGAIN being broadcast on 22/06/10 at 1.11pm. For someone who doesn't watch much daytime TV has never complained before and having been submitted to this highly offensive material to then be told it has not been broadcast is inexcusable!!*

## **THE ADVERTISER'S RESPONSE**

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

*This advertisement has been approved by CAD and received an M rating. We have now been running this adv for almost a year, and similar type ads for 3 or 4 years on TV, across multiple networks and have been very selective with which shows our advert appears on. We are very conscious of the right audience. This is the first complaint we have ever had about our ads. This complaint is as confusing as it is frustrating. This ad was running on Oprah mid day show. Oprah is an M rated show, which means Mature audience. Why the plaintiff is allowing children to view a show like Oprah, which is full of controversial topics about sex and other inappropriate topics for children, is beyond our understanding and hence frustrating. We don't believe our ad is offensive to a mature audience, is exactly where the adv appeared.*

## **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' concern that the advertisement was inappropriately sexually suggestive and inappropriate for children to see.

The Board noted that most complaints concerned the advertisement being run during daytime television. The Board noted that between midday and 3pm on weekdays during school term is rated M. This means that the programmes and advertising broadcast during that time are recommended for mature audiences and that the Board should consider that advertisements broadcast during this time are seen by a predominantly mature audience.

The Board considered whether the advertisement was consistent with section 2.3 of the Code. Section 2.3 requires that advertisements ‘shall treat sex, sexuality, and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.’

The Board viewed the advertisement and noted that the advertisement is a montage of still images of women dressed in lingerie. The Board noted that the voice over presents factual information about the products and how to purchase them. There are also a number of words shown on screen including ‘sexy’, ‘alluring’, ‘provocative’, ‘sensual’ and ‘affordable’. The Board considered that overall the advertisement is for lingerie and is not inappropriately sexualised. Taking into consideration the M rating of the advertisement, the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board also considered that the words shown on screen referred to above were appropriate for use in the context of an advertisement for lingerie and in an M rated advertisement were appropriate and unlikely to be considered strong or obscene. The Board considered that the advertisement did not breach section 2.5 of the Code.

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