



Case Report

1	Case Number	0297/11
2	Advertiser	Simon de Winter
3	Product	Clothing
4	Type of Advertisement / media	Transport
5	Date of Determination	10/08/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

Woman in underwear with arms covering naked breasts.

THE COMPLAINT

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

My objection is in regards to the stance/poses of the women which coupled with them wearing only underpants made the advertising look like soft pornography.

I have a baby girl and do not want her to grow up in a society where images like this are normalised and accepted as OK. The female body image is like the male counterpart being sexualised and degraded so it is nothing more than a piece of flesh to be consumed and disregarded at will. I am concerned about what messages this sends to not only children but society as a whole.

I completely understand that this company is selling lingerie but the way they have gone about it - the implicit message - is unnecessary and unacceptable.

I'd be happy to provide more details on my objections upon request.

This level of sexualised images and nudity is entirely inappropriate for children to be viewing. When it is plastered all over a bus I as a parent can have no control about my children's exposure to these images. In particular I have grave concerns about the impact this sort of early and constant exposure of girls to sexualised images of women is having on their sexual development, identity, self-esteem and body image.

THE ADVERTISER'S RESPONSE

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

The advertisement for Kayser lingerie is titled "Celebrate the Perfect Fit" It features a woman in her underwear, with a party hat on, and lots of balloons.

The advertisement appeared in magazines and on outdoor metro lights. Image attached. The campaign ran for 3 months from August to end October, 2010. In some instances, outdoor creative can stay up much longer, which I presume is the case here as we have not had a paid campaign using these images since.

The idea is that she is happy and celebrating because she is finally wearing a pair of briefs that are the "perfect fit"

As we are advertising underwear, we need to show it on the female body. We specifically used a girl with a healthy figure and her demeanour is happy and confident. This is the essence of our brand. We are a predominantly female company (over 90% of our team are women) and we work with a predominantly female advertising agency, Paper Stone Scissors. Our aim is to portray women in a healthy and fun environment in bright colourful underwear.

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' concerns that the advertisement features sexualised images of women and is inappropriate for viewing by children.

The Board reviewed the advertisement and noted the advertiser's response.

The Board first considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.'

The Board noted the advertisement is for underwear and features women wearing underpants and hiding their breasts with their arms.

The Board noted that the women are wearing the advertised product and considered it is reasonable to expect a lingerie advertisement to feature lingerie. The Board considered that the tone of the advertisement was light hearted and that the women are not presented as sex objects but as wearers of lingerie.

Based on the above the Board determined that, in this instance, the advertisement did not objectify women and did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted there is a level of community concern about the sexualisation of children and acknowledged the placement of the advertisement meant that the relevant audience was very broad and could include children. However the Board considered the advertisement did not bring the issue of sex to the minds of children. The Board acknowledged that some members of the community might be offended by the advertisement but considered that the poses of the models were not sexual and did not depict any unnecessary nudity and did not breach Section 2.3 of the Code.

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