



Ad Standards Community Panel
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Case Report

1. Case Number :	0324-20
2. Advertiser :	Bras n Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Nov-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features women in lingerie and a voice over which states, "The me is always we. The inside, the outside, the bits you cannot see. The Queen. The clown. The soft. The loud. A voice that laughs. A voice that whispers. I am the we in me. And all that it brings. Because I am many things. Bras n Things".

The visuals feature:

- woman one sitting in front of a red background wearing white lingerie.
- Woman two walking away from the camera, in front of a white background, wearing black lingerie.
- Woman two facing the camera, gesturing across her body with her arms
- Woman two dancing with her arm above her head
- Woman three sitting in front of a blue background wearing burgundy lingerie and a long black coat.
- Woman four lying on the ground poking out her tongue, wearing white lingerie
- Woman four dancing
- Woman five sitting on the ground wearing nude lingerie with a white gown hanging off one shoulder
- Woman two yelling the word 'loud'
- Woman one laughing
- Woman two wearing an ivory lingerie set and whispering
- Woman two lying on her back on the ground wearing red lingerie, running her hands over her body
- Woman three standing with her hands on her hips



- Woman one sitting in front of a white background wearing blue silk pyjamas
- Woman one standing in front of a red background wearing white lingerie
- Woman five sitting on the ground wearing nude lingerie with a white gown hanging off one shoulder
- Woman five standing and holding open her jacket and wearing red lingerie
- Woman two dancing and wearing black lingerie
- Woman four from behind wearing a black g-string and a white t-shirt
- Woman four facing the camera removing her t-shirt to reveal a black bra and throwing it at the camera
- The words 'I am many things'

THE COMPLAINT

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

Some are suggestively touching themselves and then at the end it's a full shot of a bare bum in a g string. I don't want to see bums and I don't think the ad is appropriate for that time of the evening when young girls are watching.

Sexualised women that you would see in porn and an inappropriate backside flashed in your face in front of my 5 daughters who I am trying to educate that you DO NOT need to sexualise your body to be liked by men. Absolutely shocked and disappointed BRA'S n THINGS.

It was a bras and things commercial which you can understand that they need to advertise the product but it is highly inappropriate and unnecessary to have a woman's ass in a g/string staring you point blank in the face especially when young children are up at that time. It's unnecessary and quite frankly comes across like it's more about advertising a females anatomy.

You can tastefully advertise lingerie without baring to much. The part where you see a woman's bottom wearing a g-string is unnecessary and viewing that with my children around 1 being a girl is just outrages.

THE ADVERTISER'S RESPONSE

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

This complaint comes as a surprise and is really upsetting as we have spent the last 6 months working through a new positioning for the brand based on customer research and insights, along with what we know our customers love.

The brand has moved in a direction with the intention to really celebrate women and the multidimensional aspects of who we are and how we can feel throughout a day. We are a brand that stands for creating a community of female confidence warriors and want to be supporting women to confidently be themselves. We are conscious that some of the featured product may not appeal to the individual tastes and



preferences of select customers however our goal is to accommodate the varied tastes and preferences of all women who shop at Bras N Things. We are all for women having the choice to be proud of who she is and how she expresses that through her personality, whatever her mood.

This new positioning is a shift from where we were and we hoped that was seen and felt. Customer feedback is an integral part of our role that assists us to continue to evolve the way we engage with our consumers

TVC - This was given a P rating which Clear Ads describes as below:

PG – Parental Guidance “P” Definition: Parental Guidance Recommended May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods. Product Description: Commercials which comply with the PG classification criteria in Appendix 1 of the Code of Practice and which contain careful presentations of adult themes or concepts which are mild in impact and remain suitable for children to watch with supervision.

Issues raised to date

AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N - nudity

AANA Code of Ethics\2.2 Exploitative or Degrading\Degrading - women

AANA Code of Ethics\2.2 Exploitative or Degrading\Exploitative - women

There is no nudity at all in the ads, nor is there anything that is leading or sexual. The ad is about celebrating the many aspects of womens personalities, it isn't degrading – it's a celebration.

The ads ran weekly on CHennel 10 within The Bachelorette. There was one ad per show on Wednesday and Thursday nights from 7:30pm. This partnership started Wednesday 7th October – Thursday 5th November.

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:

- portrays the message to young girls that you need to sexualise your body to be liked by men
- comes across as though it is advertising the women's anatomy
- features women suggestively touching themselves
- features a bare bum in a g-string
- is not appropriate to be played at a time when young people may be watching

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

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. The Panel noted that one of the women is depicted lying on the ground running her hands over her body, another woman is depicted taking off her shirt, and is seen from behind shaking her hips while wearing a g-string. 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 have many aspects to them. 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 was that women are complex and multi-faceted and should be comfortable expressing this. 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:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

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 personality. The Panel considered that the advertisement did not suggest or depict sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel noted that in one scene a woman was seen lying on the ground running her hands over her body, and in another there was a close-up of a woman’s bottom in a g-string as she moved her hips. The Panel considered that both scenes and the advertisement as a whole contained sexuality.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’.

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 considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel noted that the advertisement had received a P rating from ClearAds meaning the advertisement "May be broadcast at any time of day, except during P and C programs or adjacent to P or C periods." The Panel noted the advertiser's response that the advertisement ran only during the Bachelorette. The Panel noted that the Bachelorette is a PG rated show and that the audience would be adults, teenagers and children watching TV with their family.

The Panel noted the complainant's concern about the image of the woman in the g-string.

The Panel noted that the woman's buttocks are visible but her entire gluteal cleft is not. The Panel noted that the woman is depicted wearing a common cut of underwear and considered that the depiction is not gratuitous and that the entire scene lasted less than a second. The Panel considered that this scene did not contain a level of nudity which would be inappropriate for the relevant audience of Bachelorette viewers.

The Panel noted the complainant's concern that the advertisement depicted women suggestively touching themselves.

The Panel noted the scene where a woman is lying on her back on the ground running her hands over her body. The Panel noted that the woman's hands are near her stomach and neck and that they are not near her genitals. The Panel considered that while this pose is mildly sexualised, the effect of the movement is to highlight the details of the lingerie. The Panel considered that this scene did not contain a level of sexuality which would be inappropriate for the relevant audience of Bachelorette 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 of Bachelorette viewers.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience of Bachelorette viewers 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.