



Case Report

1	Case Number	0340/16
2	Advertiser	City Chic
3	Product	Clothing
4	Type of Advertisement / media	TV - Out of home
5	Date of Determination	14/09/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This video advertisement is played in the store window of City Chic and features images of various women wearing lingerie.

THE COMPLAINT

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

The advertising is false. It is promoting sex, not underwear. The store contains clothing for bigger ladies it is not an underwear only store. It is located at the food court which people of all ages will be attracted to. I am offended by the advertisement because it is not discreet, in full view of children elderly and men and is unfair.

THE ADVERTISER'S RESPONSE

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

City Chic Advertising Complaint - Complaint reference number: 0340/16

We refer to the letter from the Advertising Standards Bureau to City Chic. The City Chic brand and stores are owned by Specialty Fashion Group Limited.

City Chic aims to empower plus size women by offering bold, glamorous and chic fashion including dresses, jeans, swimwear, active wear, lingerie and footwear. In its marketing, City Chic aims to present the plus size woman as powerful, confident and appealing and to counter negative stereotypes that the curvy woman is necessarily unattractive.

This advertisement was produced to promote City Chic's range of lingerie for the fuller figure. It is displayed on screens within the City Chic stores and on the City Chic website. This particular City Chic store (at the Midland Gate Shopping Centre) contains an externally facing screen opposite a coffee shop and seated food court area.

The complainant has expressed the view that the advertising is false and promotes sex, not underwear. She correctly states that City Chic sells a variety of clothing including underwear. The complainant goes on to state that she is offended by the advertisement because it is not discreet.

The advertisement promotes products currently offered by City Chic. As such, the advertising is not false and the nature of the advertisement is relevant to the product. While City Chic does sell a range of clothing, lingerie is one of those product lines. Lingerie is designed to make women more alluring and mysterious, and to make them feel more alluring. As such, there will inevitably be an element of sexuality involved in the promotion of lingerie. City Chic has endeavoured to adopt a bold but tasteful approach to the subject matter, consistent with community standards. The lighting is muted, individual scenes appear only briefly and all models are appropriately covered by the lingerie. There is no excessive cleavage and all briefs are fully figured. The use of the keyboard and horse imagery is simply to enhance the artistic nature of the production.

City Chic sees this advertisement as a tasteful celebration and empowerment of the larger woman.

In reference to Section 2 of the Advertising Standards Code, the complaint refers only to section 2.4. Below we deal with each part of section 2 as recommended in your letter.

2.1 No female characters depicted in the advertisements are discriminated against and no area of the community is vilified. The advertisement portrays bold and confident women in control of themselves and their situation.

2.2 There is no objectification of the women in the advertisement. Most scenes in the advertisement display the face of the model and in all cases she is adopting a confident and in control attitude. While the women are wearing lingerie, that lingerie is not skimpy or inappropriate.

2.3 There is no violence in the advertisement.

2.4 Section 2.4 is the key section of the Code for present purposes. The advertisement promotes lingerie. There is no nudity in the advertisement and the models are amply covered in the context of an advertisement promoting lingerie. It is inherent in the purpose and nature

of lingerie that promotion of it will involve an element of sexuality.

The advertisement involves the portrayal of individual women and there are no highly sexually suggestive or explicit sexual depictions. To the extent that there are depictions of sexuality, they are relevant to the product and would be unlikely to offend prevailing community standards. As the advertisement is a video, it is inevitable that a certain amount of movement or gestures will be involved. We do not consider that any of the poses or movements are beyond a moderate level of sexualisation, appropriate to the product.

We do accept that a certain segment of the community may feel less comfortable with advertisements of this type. However, our hope is that people generally would find the advertisement to be creative, empowering of women and appropriate for the subject matter.

We note that the screen in question is visible from a public place. We suggest that children who may incidentally see the advertisement would not necessarily draw the conclusions drawn by the complainant, who is an adult woman.

2.5 There is no voice over or speaking in the advertisement as played at the store, and as such the section does not apply.

City Chic is very comfortable that the advertisement meets all acceptable standards, even allowing for the fact that this particular screen may be subject to inadvertent general public viewing. However, City Chic has no wish to cause offence to anyone, particularly women. Accordingly, City Chic will discontinue the display of the advertisement on this particular screen and replace it with a series of “stills” taken from the advertisement which do not involve any particular poses.

Please let us know if you require any further information to assist with this matter.

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 complainant’s concerns that the advertisement features women in lingerie and is not appropriate for a broad audience which would include children and the elderly.

The Board viewed the advertisement and noted the advertiser’s response.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that this video advertisement in the store windows of City Chic features women in lingerie in various poses including lying on a sofa, on a bed, sitting up or standing. In some scenes we see the woman playing with their bra straps or running their hands through their hair or over their bodies.

The Board noted it had previously upheld complaints about video footage played in the window of Bras n' Things in case 0331/16 where:

“The Board noted the video advertisement features changing images of the woman wearing lingerie and considered the lingerie worn covers her private areas and the level of nudity is consistent with other advertisements for lingerie. The Board acknowledged that the lingerie worn by the woman in this advertisement can be purchased in store, but considered that the manner in which the lingerie is modelled by woman is sexualised...

...The Board considered that the silent, moving image draws the eye of passers-by. The Board noted the video depicts a model moving around and considered that the model is stroking her hair and moving her body suggestively and that this amounts to a sexualised impact. The Board considered that as the video image contains no branding of the shop or the particular line of lingerie there is a more sexualised impact of the material as the focus is on the woman's body rather than on what she is wearing.

The Board noted that the video advertisement is displayed in a shop window facing into the shopping centre where any member of the public could view it. The Board therefore considered the relevant audience of this advertisement is very broad, including children and noted that the Code requires advertisers to treat sexualised imagery with sensitivity to a broad audience which in this case is likely to include children.

The Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.”

In the current advertisement the Board noted that the video is placed in the store window and does not feature any audio.

A minority of the Board noted that unlike in case 0331/16 where there was a continual focus on the woman's body as she posed for the camera, the current advertisement does focus on other objects and the women are often filmed from a distance and there is less posing. A minority of the Board noted that the women in the current advertisement do run their hands over their bodies but considered that the focus is on the advertised product and the manner in which the women are presented is less sexualised than in case 0331/16. A minority of the Board noted that the current advertisement has no audio and considered that unlike in case 0331/16 where there was no branding, the advertiser's name appears prominently on screen at the start and end of the advertisement.

A minority of the Board acknowledged that some members of the community would prefer that lingerie not be advertised in this manner but considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

A majority of the Board however noted the focus on the women wearing lingerie and considered that in some scenes there is a voyeuristic nature to the way in which the women have been filmed in that there is a suggestion that the woman are being viewed from afar without their knowledge. A majority of the Board noted that the women are all wearing lingerie which covers their nipples and private areas appropriately but considered that the manner in which the women are modelling the lingerie is sexually suggestive, with many

scenes showing the women in reclining positions, posing with an arm raised above their heads with hands running through hair, and running their hands over their bodies in slow motion, and in the Board's view not appropriate for a broad audience which would include children. A majority of the Board noted that unlike in case 0331/16 the women do not feature in every scene but considered that the placement of the advertisement in food court area of a shopping mall means that the entirety of the advertisement would be viewed by people using the food court and in the Board's view the content is too sexualised for this broad audience which would include children.

Overall the majority of the Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which would include children and determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

City Chic have discontinued the use of this video.