



Case Report

1	Case Number	0380/13
2	Advertiser	Innerware Lingerie
3	Product	Lingerie
4	Type of Advertisement / media	TV
5	Date of Determination	13/11/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

A woman walks in to a tyre fitting shop wearing Innerware lingerie. The employees of the shop all turn to look at her with amazement. She approaches the counter and asks the attendant "can you give me 40% off?"

THE COMPLAINT

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

I find it disrespectful to both sexes as I feel it makes us look stupid and sleazy. I also find the time slot inappropriate for young children, and the message it sends to them.

Sexist and I believe the ad was already banned..

The ad is sleazy and sexualises woman.

I understand this ad had been taken off ...words changed however the vision is the same. I accept you dont make a moral judgement only legal, however this ad is still sexually suggestive, underwear in a public place is morally not appropriate, I had young children

watching the TV at the time. Please remove, this stereotypes and demeans all women!

I find this Advert offensive - Reason - Why would any woman have to wear lingerie to get a cheaper price?. I find it sleazy, tacky and offensive, As this woman is projected sleazy and cheap in order to gain a discount. This product is aired during the day and evening television (family time) this is NOT setting a good example for my daughter nor is it encouraging "respect for woman" from a young males point of view!. I'm sick and tired of Adverts portraying woman as SEX objects!, I will not buy this product nor any other product that portrays woman in a sleazy manner. Pathetic!

THE ADVERTISER'S RESPONSE

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

As per the Board ruling on the "Can you fit me" version of this ad, sections 2.1 and 2.2 were dismissed on 15th October 2013 complaint reference 0347/13. Section 2.4 of the code was upheld based on the line "Can you fit me" having alleged double meaning of a sexual nature. This ad does not contain that line and "can you give me 40% off" cannot possibly be misunderstood or mistaken for double meaning. This ad is in no way designed to demean or degrade women and the confidence shown by the model is clear. She is a very strong character who clearly has the upper hand.

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 is sexist, objectifies women, is sexually suggestive and is not appropriate for viewing by children.

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

The Board 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the advertisement features a woman walking in to a tyre fitting workshop wearing lingerie and asking the man behind the counter if he can give her a discount. The Board noted that this advertisement is a modified version of a recently upheld advertisement (0347/13) and that the words spoken by the woman are different to those in the upheld version of the advertisement.

The Board noted the complainants' concerns that it is demeaning to women to show a woman being ogled by men in this manner. The Board noted the advertiser's response that the woman is portrayed as being confident and in control and is not undermined by the men in the advertisement.

Consistent with its decision against case reference 0347/13, the Board considered that the woman struts into the workshop in a very confident and empowered way and that she is very aware of the attention that she is drawing to herself.

The Board considered that the confidence of the woman gave her a position of power and that this was not a depiction that discriminated against a person based on their gender.

The Board also noted that the men were presented as being incapable of carrying out their duties due to wanting to stop and gaze at the woman. The Board agreed that this was a realistic response to what the men saw and that it was not discriminating against men.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the complainants' concerns that the depiction of the woman is degrading and noted that in order to breach this Section of the Code the depiction would need to be considered both exploitative and degrading.

The Board noted that the product advertised is lingerie and considered that whilst a depiction of a woman in lingerie is not of itself exploitative and/or degrading in the Board's view the depiction of a woman in her lingerie walking in to a male dominated tyre fitting shop is a purposeful use of her sexual appeal to attract the attention of the viewer to the product being advertised.

The Board noted that the woman deliberately dressed in a manner that will attract the attention of the employees of the workshop and that she appears to be enjoying the attention of the men who work there. The Board considered that although the advertisement does use sexual appeal, it is not portrayed in a manner that is exploitative and degrading to women.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 the complainants’ concerns that the advertisement is sexually suggestive.

The Board noted that before the woman speaks to the man behind the counter the camera pans slowly up her body. The Board considered that these images were sexually suggestive and that there was a strong focus on her body in the lingerie.

The Board noted also the woman asking the question, “Can you give me 40% off?” and that on screen text then states that Innerware Lingerie are having a 40% sale. A minority of the Board noted that the advertisement could be interpreted as the woman asking for a discount because she is in lingerie and considered that this is sexualised and inappropriate.

A majority of the Board however noted that the advertisement is for lingerie and considered that it is appropriate to depict women wearing that lingerie. The Board noted that in the upheld version of the advertisement the combination of the question, “Can you fit me?” with “the placement of the woman in a mechanical workshop, her strutting though the workshop and being openly stared at by men, the particular focus on her body and the sexualised double entendre created a strongly sexualised tone of the advertisement”. In this instance however the Board noted that the question, “Can I have 40% off” does not have any sexual innuendo or suggestion and therefore give a slightly less sexualised impact to the advertisement.

The Board considered that the sexual reference and nudity in the advertisement was now not inappropriate for an ‘M’ rated advertisement.

Based on the above the Board considered that the advertisement depicted images which did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints