



**ADVERTISING  
STANDARDS  
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612  
Ph (02) 6173 1500 | Fax (02) 6262 9833  
[www.adstandards.com.au](http://www.adstandards.com.au)  
ACN 084 452 666

## Case Report

<b>1</b>	<b>Case Number</b>	<b>0437/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Fantasy Lingerie</b>
<b>3</b>	<b>Product</b>	<b>Lingerie</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>15/01/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

A series of images of women wearing lingerie with prices and information on the Fantasy Lingerie online store.

### THE COMPLAINT

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

*It is midday, on a program most suitable for young women at a most impressionable age.. Some models were naked apart from sheer items that barely covered their nipples and pubic regions, which were clearly shaved. This advert is far too explicit for the time of day and show type.*

### THE ADVERTISER'S RESPONSE

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

*We feel that our advertisement meets broadcasting standards and regulations. The advertisement was CAD rated and approved prior to airing, our ad was rated M which means it will only be shown during mature rated shows which are rated by the stations. We have been running advertisements for our lingerie site for many years now which have always followed a similar concept without receiving any complaints.*

*All the lingerie featured in the advertisement is tasteful and covers the models nipples and pubic region. There is no more flesh on show than in any other underwear/lingerie advertisement that is shown on TV.*

## **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 contains inappropriate nudity and is too explicit for broadcast during midday television.

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

The Board 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 the advertisement features images of women wearing lingerie.

The Board considered that it is acceptable for an advertiser of underwear to show their range of underwear in advertising.

The Board noted it had previously dismissed a complaint about a similar television advertisement for the same advertiser in case 0293/10 where it “noted that the voice over presents factual information about the products and how to purchase them...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”.

The Board noted that in this instance the women in the advertisement are not naked but are covered by lingerie and considered that whilst some of the lingerie is sheer the women’s private areas are adequately covered. The Board noted that the music which accompanies the images is ‘racy’ however the Board considered that the text on screen was factual and overall the advertisement was not overtly sexualised.

The Board noted that the advertisement had been rated ‘M’ by CAD and had been viewed by the complainant in an ‘M’ rated timeslot. The Board considered that the style and content of the advertisement was not inappropriate for the relevant ‘M’ audience.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

