



## Case Report

1	Case Number	0507/14
2	Advertiser	Fantasy Lingerie
3	Product	Lingerie
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/12/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features images of various women wearing different styles of lingerie. A female voiceover says, "Sexy lingerie from \$24.95". The images on screen are accompanied by descriptors (Bridal Lingerie, Hosiery etc) and prices. One scene shows a woman on all fours wearing matching lingerie, stockings and high heeled shoes and the text reads, "Australia's largest online lingerie store".

### THE COMPLAINT

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

*This kind of advertising I feel is more suited to a later time than I saw tonight. The poses of models and scanty underwear is very seductive and I feel that a lot of children are still watching TV and this advertisement is not appropriate.*

*It was shown at a completely inappropriate time. I understand that these advertisements no longer breach advertising standards after searching through past cases (I disagree but that's how it is).*

*There should however be a line in the sand as to what time these advertisements are allowed to be shown and I will be taking this matter up with my local member of parliament should this not be resolved through this channel.*

*I think at this time of the day girls wearing sexy lingerie, posing the way they do in this commercial (ie. on 'all fours' or with legs open) isn't appropriate. I'm no prude, but was surprised it was shown at this time of the day.*

## **THE ADVERTISER'S RESPONSE**

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

*We have recently received three complaints about our current TVC from ASB. We feel our advertisement meets the broadcasting standards and regulations. The TVC has been approved by CAD with an M rating. We have been running similar ads across multiple networks over the past 5-6 years and have always been conscious of the right audience and therefore selective with which shows our advert appears on. Madam Secretary is an M rated show, which means mature audience. The other two complaints are for a 12:12am & 12:50pm time slot time on free to air, which again are M rated shows.*

## **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’ concern that the advertisement features scantily clad women wearing provocative outfits and posing in a sexualised manner and is not appropriate as children could see it. The Board viewed 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 this advertisement features images of different women wearing different styles of lingerie. The Board noted it had previously dismissed a similar advertisement for the same advertiser in case 0437/13 where: "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.” In the current advertisement the Board noted that all the women featured are wearing the advertiser’s products and considered that the level of nudity was consistent with advertising material for lingerie and that no private areas are exposed. The Board noted the various images of the women and considered that some of the poses are sexualised, specifically the image of the woman wearing bridal collection items with one leg raised up and the final image of the woman on all fours. The Board noted this advertisement had been rated ‘M’ by CAD and considered that in the context of a product aimed at adults the sexualised content was not inappropriate for the relevant M audience. The Board considered that the advertisement did not include images

that did not treat sex, sexuality and nudity with sensitivity to the relevant mature audience and 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 complaints.