



Case Report

| | | |
|---|-------------------------------|-----------------------------------|
| 1 | Case Number | 0519/17 |
| 2 | Advertiser | Bras n' Things |
| 3 | Product | Lingerie |
| 4 | Type of Advertisement / media | TV - Out of home |
| 5 | Date of Determination | 22/11/2017 |
| 6 | DETERMINATION | Upheld - Modified or Discontinued |

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

A model is seen in various styles of lingerie. She is seen on a cane chair, as well as standing and walking through the house.

THE COMPLAINT

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

I have no choice when passing by to be hit with the over sexualised images. This is content I do not wish to be forced to view or for children to be exposed to the images either. These posters should be inside the store where the posters can target the right audience.

The promotion of this woman as a "kid" and then return her in the outfits of a sexual nature seeks to imply that she is young. I consider this whole advertising grooming.

The outfits and the poses are extremely provocative and in one scene she is sitting in a chair with her legs slightly spread with very little covering the genital area. The ad portrays her provocatively and in a manner that resembles pornography.

It is totally inappropriate for a family shopping centre. Also there are young women working

in the store. In any other work environment these pictures would not be allowed and would constitute an unsafe work environment. How are they allowed to be shown like a film in an adult sex shop???

Overtly sexual and provocative images on a huge screen in a public space - I couldn't stop/protect my 5 and 6 year old girls from seeing it. Scantily clad women spreading their legs and moving suggestively. Fine if you're watching an adult channel. But this was centre stage on a large screen in a public space. I can provide a video if required.

The model, depicted larger than lifesize, is posing and moving provocatively, including with legs spread, in an overtly sexual manner. Due to the lack of coverage of her underwear, a significant amount of her pubic area is on show. I believe this is an inappropriate way to promote a product, in a large moving format, in a space frequented by minors & impressionable young people. I & other passers by are not given a choice in viewing this material & I feel this advertising is overly explicit for a public space. I am aware this company has used explicit advertising in the past & continue to do so, clearly disrespecting women, who are the majority of their customers, as well as the general public who are forced to view their advertising.

THE ADVERTISER'S RESPONSE

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

Bras N Things does not feel that it has breached any advertising standards and have received a lot of great feedback from our customers regarding the campaign.

The window display for the mentioned campaign started 23 October and ran until Sunday 12 November (across all stores). The content showcases a range of styles from our new Vamp range.

We highlight that the product is NEW to our range, there is nothing else that could be implied from the wording.

Please see below our response to Section 2 of the Advertiser Code of Ethics:

2.2 Objectification Exploitative and degrading – women

At Bras N Things we are passionate about empowering women. The campaign is aimed at showcasing confidence and a woman's ability to feel comfortable in her own skin. This campaign showcases a strong women and in no means is it disrespectful or suggestive. We are showcasing our latest collection in a non-sexual way.

2.4 Sex, sexuality and nudity

Bras N Things is a lingerie retailer and therefore showcase a variety of lingerie styles in our campaigns. The models wear lingerie throughout the campaign imagery, there is absolutely no nudity. We are showcasing our latest collection in a non-sexual way.

*Link to video campaign can be found here -
<https://www.dropbox.com/s/3atam2cyv3q309i/VERTICAL-HD%201080p%20%282%29.mov?dl=0>*

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 objectifying women and features sexualised images that are inappropriate for viewing by children.

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

The Board 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 AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - purposefully debase or abuse a person for the enjoyment of others, lacking in moral, artistic or other values

Degrading – lowering in character or quality a person or group of people.

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the advertisement is a large screen with a moving image of a woman wearing different underwear as scenes change, with no accompanying sound. At the beginning there is a young woman entering a building, she has a skate board in her hand and is wearing a white t-shirt and denim shorts. The text appears on screen “there’s a new kid on the block.” The woman is then seen in lingerie from the new ‘Vamp range.’

The Board noted that there is no product labelling on the screen to indicate the shop or the brand, although noted the video appears in the window of Bras N Things premises and is advertising their Vamp branded lingerie campaign.

The Board noted that the poses of the model in the advertisement are in keeping with typical lingerie advertising and considered that it is not inappropriate for an advertiser to depict a woman wearing the advertised product. The Board also considered that in the context of a lingerie advertisement, a depiction of a woman wearing this lingerie is not of itself a depiction which is exploitative or degrading.

The Board noted that the woman is on her own through the entirety of the promotion and that her outfits change and she is located in different rooms of the house. The Board noted that while there is no sound in the video, the woman is engaged with the camera and smiles and blows a kiss toward the camera looking directly at the camera for the majority of the video.

The Board noted that it had recently upheld poster images of women in lingerie (Honey Birdette 0514/17) where the women were dressed in lingerie and the men with them were fully clothed. In that case, the Board considered that: "...that the depiction of an office party was suggestive that the adults in the image did work together and in the Board's view the depiction of women in lingerie and men in suits at a work party was an imbalance that was a depiction that was lowering in character of the women and did purposefully debase or abuse a person for the enjoyment of others."

In the current case however, the Board noted that the woman is on her own and she appears confident and is not portrayed as being lower in character or there for the enjoyment of others. In the Board's view the woman was clearly displaying the various lingerie options available in store and felt that overall the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people and 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 acknowledged that some members of the community would prefer that this type of advertising not be prominently displayed in stores within shopping malls, particularly where children can view them, but considered that the advertiser is allowed to advertise the products available to purchase within the store as long as the advertising complies with the relevant Codes.

The Board noted the video advertisement features changing images of the woman wearing lingerie and considered the lingerie worn in most images 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 noted one particular scene where the woman sits on a large cane chair. The Board noted the woman is positioned with one foot on the chair tucked under her leg which means that her legs are spread and the focus becomes more obviously on her pubic region. The Board noted that the panties are brief and that there is a pattern covering her vagina but the camera angle emphasises her pubic region and draws the attention of the viewer to that area.

The Board noted it had upheld a similar video for the same advertiser (0331/16) where "...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."

Similarly in this case the Board is considering a silent movie which is a focus on a woman in lingerie. The Board confirmed their previous position that the silent, moving image draws the eye of passers-by. The Board noted the video depicts a model moving around and noted that the model is flicking her hair, placing her finger in her mouth, arching her back and moving her body suggestively and that this amounts to sexualised imagery. The Board noted that the video does not contain branding for the shop and that 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.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement breached section 2.4 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I can confirm that the discussed video is no longer on display in store windows and came down on the 5th November.

Moving forward, the feedback and response will be taken into account when producing the videos for the store displays.