



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0539/18
2	Advertiser	David Jones Ltd
3	Product	Lingerie
4	Type of Advertisement / media	Transport
5	Date of Determination	12/12/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Poster of female model wearing Simone Perele lingerie, advertised on a bus.

THE COMPLAINT

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

Whilst I understand that imagery of women in lingerie is shown on commercial tv, these images are typically visible after a certain hour or parents can choose to change channels to an age appropriate tv channel. As a parent to a 7 year old girl, I found it highly offensive that there is an image of a woman in sexy lingerie on a Sydney bus. Public transport should have advertising that reflects community standards. Sexualisation of women as shown in this ad does not do that and cannot be unseen or avoided when it is plastered onto a public bus!

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

Background

By way of background, the Advertisement formed part of Simone Perele's international campaign. Simone Perele is a high-end women's French lingerie company. The photograph was shot by Simone Perele and provided to David Jones. A copy of the Advertisement is attached for your reference.

The Complaint – 'Sexualisation of women'

The complainant has alleged that the image 'sexualise[s]' women. The complainant has also stated that advertising the image on a bus is 'highly offensive' as it 'cannot be unseen or avoided'.

David Jones Response

With respect, we do not believe that the Advertisement offends Section 2 of the AANA Code of Ethics (Code). The purpose of the Advertisement is to promote a particular Simone Perele product, being lingerie. The Advertisement features a model wearing lingerie and is no different to any other kind of advertising featuring a model promoting lingerie or swimwear. It would be difficult to promote lingerie without showing a model wearing the product.

David Jones does not believe that the Advertisement employs overt sexual appeal, nor is it risqué or inappropriate. It does not portray people or depict material in a way which is discriminatory or vilifies any kind of person.

In regards to the complainant's claim that the Advertisement should not have featured on a bus, we disagree that the image is so 'highly offensive' that it should be 'unseen [and] avoided'. On the contrary, we consider that this image is tasteful and elegant and does not sexualise women. The lingerie worn by the model provides appropriate coverage and is no different to swimwear. The model's facial expression is calm, and is not sexual or suggestive. David Jones takes pride in advertising products in line with community standards, and we were disappointed to learn that that the Advertisement had been misconstrued as sexualising women.

AANA Code of Ethics

David Jones takes great care in ensuring compliance with the Code. In relation to Section 2 of the Code, please see our comments on each part as follows.

Part 2.1 (Discrimination or Vilification): The Advertisement features a model advertising lingerie designed for females. In no way does the Advertisement exclude,



discriminate or vilify any person or section of the community.

Part 2.2 (Exploitative and Degrading): The Advertisement does not employ sexual appeal in an exploitative or degrading manner. There are no lewd, offensive or suggestive poses. Further, the lingerie featured in the Advertisement provides appropriate coverage (i.e. no revealing cuts or see-through fabrics).

Part 2.3 (Violence): The Advertisement does not contain any violence.

Part 2.4 (Sex, Sexuality and Nudity): The Advertisement contains no references to sex nor does it contain any nudity. The model is wearing high waisted briefs and an appropriately covered bra. There is no sheer fabric, skimpy cuts or excessive skin. Further, there are no rude slogans, suggestive poses or lewd conduct.

Part 2.5 (Language): There are no words spoken in the Advertisement.

Part 2.6 (Prevailing Community Standards on Health and Safety): There are no health or safety issues arising from the Advertisement, nor does the Advertisement contradict any prevailing community standards on such issues.

Part 2.7 (Distinguishable as advertising): The Advertisement is shown on a bus, and the Simone Perele and David Jones are displayed underneath the image. As such, it is clear to the relevant audience that the content is commercial in nature.

Whilst David Jones respects the personal views of the complainant, David Jones considers that the Advertisement fully complies with the Code.

THE DETERMINATION

The Ad Standards Community Panel (the “Panel”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement is sexualised and not appropriate for an audience that includes children.

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

The Panel 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 Panel noted the complainant’s concern that the advertisement is sexualised and not appropriate for display on public transport where children may view it.



The Panel noted that this transport advertisement featured a woman pictured from the hips up in a black bra and high rise underpants.

The Panel noted that this transport advertisement was on the back of a bus and that the relevant audience for this poster would be broad and would include children.

The Panel noted the underwear on the model, and considered that the woman's breasts are covered, the style of the underwear is similar to some contemporary fashions and she is not depicted in a sexualised pose.

The Panel noted that some members of the community would prefer that lingerie not be advertised in public, but considered that the product is legally allowed to be advertised and the imagery included on the advertisement that is visible to members of the community, is not explicit and is not inappropriate for the relevant broad audience which would likely include children.

In the Panel's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

