



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0591/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Bras n' Things</b>
<b>3</b>	<b>Product</b>	<b>Lingerie</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Out of home</b>
<b>5</b>	<b>Date of Determination</b>	<b>18/01/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This in-store television advertisement depicts a woman in black lingerie unwrapping a present. Other women are then seen modelling different lingerie in front of a Christmas tree.

## THE COMPLAINT

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

*It was inappropriate due to the nature of the video and the shoppers walking past. The shop is right next to H&M which is a family targeted shop. Kids of all ages could view this video.*

*It's a clear example of the objectification and sexualisation of women which should not be broadcast to a general audience. It is essentially soft porn and reinforces the idea that women are there to be ogled and attained, to bring pleasure to men. I think the shop can advertise like this within its walls but not on such a giant scale to the general public.*

## THE ADVERTISER'S RESPONSE

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

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

*2.1 Discrimination or vilification*

*This video does not discriminate or vilify in any way.*

*2.2 Exploitative and degrading*

*The video content features women in a fun, confident and festive manner showcasing a range of different styles from our Christmas collection. Our vision is to encourage women to feel beautiful in their own skin. We do not believe that this video is degrading or exploitative in any way.*

*2.3 Violence*

*There is no violence depicted in this video.*

*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 model wears lingerie throughout the video, there is absolutely no nudity. We are showcasing our latest collection in a non-sexual way.*

*2.5 Language*

*We wish you a Merry Christmas plays throughout the video.*

*2.6 Health and Safety*

*The video does not relate to any health and safety issues.*

## **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 depicts women in lingerie in a sexualised and objectifying manner and is not appropriate for display in a store window where children can see it.

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

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 that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that this television advertisement features female models modelling different styles of lingerie.

The Board noted that some members of the community could find the use of women in lingerie in advertising to be exploitative however the Board noted that the advertised product is lingerie and considered that it is not inappropriate or exploitative, of itself, for an advertiser

to depict women wearing the advertised product.

The Board noted that the women are posing in a manner which is clearly intended to show the lingerie available to purchase in store and considered that they are not posing in a manner that is degrading. The Board considered that the relationship between the product being advertised and the images shown are not about promoting the women as objects but about the style of lingerie available to purchase in store.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

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

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 the complainants’ concerns that the advertisement depicts sexualised images of women in lingerie.

The Board noted it had previously dismissed complaints about a shorter version of the advertisement which was aired on television in case 0576/16 where:

“The Board noted that lingerie is legally allowed to be advertised and considered that it was reasonable for an advertiser to depict their product being modelled in its advertising. The Board noted that the lingerie worn by the models in the advertisement covers their private areas and considered that while some of the styles of lingerie were sexy in the Board’s view the posing and behaviour of the models was not sexualised and the focus was on the product itself and not the women’s bodies.

The Board noted the advertisement had been rated PG by CAD and considered that consistent with previous determinations for similar advertisements (0397/13, 0002/15) the content of the advertisement was not inappropriate in the context of the relevant PG audience which would include children.”

The Board noted the current advertisement is longer with more scenes of the women and considered that the lack of soundtrack does increase the impact of the images. The Board noted it had previously upheld complaints about a similar advertisement for Bras N Things which was placed in their store window in case 0331/16 where:

“The Board considered that 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.”

The Board noted in the current version that the women’s private areas are fully covered and considered that the style of the lingerie is not overly sexy. The Board noted the poses of the women and considered that, unlike in case 0331/16, the focus is on the product and not the women’s bodies and the movements of the women are not sexualised or sexually suggestive.

The Board noted that the audience for the current version of the advertisement would be broader than the television audience in case 0576/16, due to its placement in a store window in a shopping mall, but considered that overall the content was not inappropriate for this broad audience which would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad 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.