



## **CASE REPORT**

1. Complaint reference number	115/05
2. Advertiser	Under Cover Wear
3. Product	Clothing
4. Type of advertisement	TV
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 10 May 2005
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement features a young woman in lingerie shown from the waist up. To the right of the woman appears the text “Undercover wear – Order your free catalogue”.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*“It is a violation of his and my right as males to not be confronted with it. This company is tempting thousands of men to lust and thousands of women to lose their inhibitions about what they’ll wear in public. We would respectfully request that in the future, this company refrain from discriminating against those who wish to remain pure in thought.”*

## **THE ADVERTISER’S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*“Our client markets high quality fashion wear, namely lingerie and wishes to communicate their product range to a broad target audience through the medium of billboards. The photographic treatment of the model wearing our client’s underwear was both sensitive to acceptable community standards and the quality of the product depicted.”*

*“Our model was wearing a bra (she was not nude or in a sexually explicit pose) and no inappropriate language or message was explicitly or implicitly implied in the poster.”*

## **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 that in the context of prevailing community standards the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.