



## **CASE REPORT**

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| 1. Complaint reference number | 158/09  |
| 2. Advertiser                 | Big W (Kayser underwear)                        |
| 3. Product                    | Clothing  |
| 4. Type of advertisement      | Print   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 22 April 2009                        |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This image is an extract (page 25) from a Big W sale catalogue. The image on the top right hand corner shows four models wearing lingerie bottoms only, promoting Kayser Perfect Fit underwear. The models breasts are covered by their arms.

The panel below the photograph has four shapes identified and defined. The shapes are “column”, “pear”, “apple” and “hourglass”.

Each of the models displayed has a body shape representing the shapes identified. Three of the models are holding objects (apple, pear and hourglass)

The wording beneath the two models on the left of the image says “Column or Pear?”. The wording beneath the two models on the right of the image says Apple or Hourglass?”

## **THE COMPLAINT**

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

*In my opinion this ad is almost like soft porn and this magazine is supposed to be for families to view. I can't imagine the adverse effect it will have on our sons and daughters. It will be exposing our sons to view a type of pornography that may whet their appetite to view pictures of naked women's bodies. For girls it will give them an unrealistic desire for the "perfect" body shape they may never have and therefore lead to depression, poor self esteem and other eating disorders.*

## **THE ADVERTISER'S RESPONSE**

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

*Woolworths does not consider the advertisement raises any issues under Section 2 of the AANA Advertiser Code of Ethics (Ethics Code), Section 2 of the AANA Code for Advertising to Children (Children's Code), or the AANA Food & Beverages Marketing Communications Code (Food & Beverages Code).*

*As a matter of convenience only, I have intentionally not detailed relevant Sections of the respective Codes which may be touched by the Complaint. I do note that the complaint suggests issues regarding, sex, sexuality or nudity (Section 2.3) and the adverse effects on children or young people. The advertisement, the subject of this complaint, was intended by BIG W (as supplied by our vendor) to demonstrate the functionality of the women's underwear in the context of variations to body shape which require a sufficient proportion of the model's image to ensure that female customers, to whom the advertisement is directed, can assess which product is most suited for their particular requirements.*

*This advertisement has been placed in a section, comprising six (6) pages in total, of products*

*including underwear and other apparel directed at BIG W's young and adult female audience. There is, in Woolworths view, no basis on which to conclude a reasonable member of the audience would be likely to understand that the advertisement would encourage irresponsible sex, sexuality and/or nudity. The advertisement is directed at the relevant audience in a proper and tasteful context and manner. As requested I attach a copy of the advertisement. A full copy of the catalogue will be sent to you by mail as it is too large to send by email.*

*As you know Woolworths is committed to complying with the Codes and all applicable laws with respect to its advertising activities. In addition, Woolworths would like to assure the Board that it is, and will continue to be, careful to ensure that all advertising that refers to it or any of its brands is not offensive and does not promote conduct of an irresponsible nature.*

## **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 complainant's concern that the advertisement depicted women in underwear covering their breasts with their arms/hands and that this was inappropriate in a catalogue easily accessible to children, which could impact upon their view of women as objects or create unhealthy body images in young girls. The Board considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity and Section 2.6, relating to prevailing community standards on health and safety.

The Board noted that the relevant pages of the catalogue were advertising underwear and considered it reasonable for the advertiser to use images of the product being modelled. The Board noted that the women were all covering their breasts and considered the poses were not overtly sexualised.

The Board did not consider the women portrayed to appear unhealthily underweight or to be suggestive of a "perfect" body shape. The Board noted the image that was the subject of the complaint made specific reference to different female body types. The Board did not agree that the explanation for each body shape was overly sexually suggestive and noted that the product advertised was clearly women's underwear and not directed towards children. The Board considered the images and descriptions used were appropriate to the intended audience and that most members of the community would not find them offensive.

The Board therefore found no breach of either Section 2.3 or Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.