



CASE REPORT

1. Complaint reference number 188/09
2. Advertiser Simon de Winter (Kayser lingerie) bus shelters
3. Product Clothing
4. Type of advertisement Outdoor
5. Nature of complaint Discrimination or vilification Gender - section 2.1
Portrayal of sex/sexuality/nudity – section 2.3
Health and safety – section 2.6
6. Date of determination Thursday, 14 May 2009
7. DETERMINATION Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The Billboard image shows four models wearing lingerie bottoms only, promoting Kayser Perfect Fit underwear. The models breasts are covered by their arms. Each model in the photograph is depicted as having a specific body shape. The shapes are “column”, “pear”, “apple” and “hourglass”. Three of the models are holding objects (apple, pear and hourglass) that reflect their depicted shape. The fourth model is standing with her hand on a “column”.

THE COMPLAINT

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

The add can be considered soft porn. The proliferation of pictures of near naked women in public spaces seems to be increasing and this is just one example. This advertisement is inappropriate considering the mixed usage of bus stop spaces by all members of the public (including children). There is enough full blown pornography around. Why do we have to have soft porn spread throughout our streets? I understand that Kaiser are selling underwear and bras. I have bought this brand of underwear in the past and was disappointed that they have produced this type of add and that it is shown at bus stops. It is not acceptable to portray women with no top on in public places whether or not her hands are covering her breasts especially. What purpose of the near nakedness of the woman have in helping sell an underwear product expect to hint at sex? We all need underwear but I do not believe that this type of advertisement is appropriate for a bus stop which everyone including children use.

There are two reasons I object to this ad.

a) The ad depicts these women in an explicitly sexual manner, and the ads are in the public arena where many children would walk past. The women look like they are about to expose themselves. The ad gives the impression of possibly being in a brothel or strip club as the four women are standing in provocative poses in a room together. Children should not have to see this. It promotes the idea that women buy clothes purely for the titillation of men. Perhaps this is alright as a TV ad broadcasted at night, but not on public billboards. I feel very uncomfortable being subject to this semi-pornographic material every day on my way to work.

b) It is offensive to women - all the women in this ad would be a size 6. Very skinny. The idea that they represent "whatever shape you are" is insulting. It saddens me that many young girls will see this. Anorexia and body image disorder is rampant among young girls, ads like this only promote negative self-esteem.

I'm SICK of being subjected to this kind of thing. Some things need to be private. You can see the

ads in the shops when you buy your underwear, it should not be on full view to everyone. Raise your standards ASB.

The ad is indecent and portrays nudity as being acceptable in public, which it is not. Not to mention the fact that many school children pass by this obscene sign on the way to and from their school each day.

THE ADVERTISER'S RESPONSE

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

We launched this campaign on March 29, 2009. The campaign was rolled out through leading women's magazine titles including Women's Day, New Weekly, Who Weekly and weekend press magazines including Sunday Magazine. We also launched the campaign with outdoor and metrolite activity in Melbourne and Sydney, and I have attached a copy of the campaign photos.

The aim of the campaign was to launch a range of women's briefs that were designed to fit a variety of body shapes and to offer a variety of styles and cuts within this range. We wanted to demonstrate this point through the use of 4 different body shapes represented by "Apple, Column, Pear and Hourglass".

We also promoted this product in-store with the use of the same graphics and an explanation of each shape and the product that would ideally suit that shape.

This product was launched in David Jones, Myers, Big W, Kmart, Harris Scarfe and independent retailers. The product has sold extremely well in this difficult retail environment and all the retailers are extremely happy with the results.

As a brand Kayser is very aware of issues relating to women and body image. Our company is 97% female and we pride ourselves on our attitude towards women. We spend many thousands of dollars researching women's underwear needs. In these research groups, we also study women's attitudes to advertising and actually changed this campaign as a result of feedback from our focus groups.

I hope this helps the Board understand the reason for our campaign and as it is underwear, the need to show some flesh as well.

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 there are two versions of this billboard advertisement, one featuring four women and the other with only two women. The Board also noted that it had previously considered the same image of the four women as featured in a print catalogue, as Case Reference Number 158/09 and had dismissed the complaints relating to that advertisement.

The Board noted the complainants' concerns that the advertisement portrays nudity in a public place, is inappropriately sexualised and has the potential to promote negative self-esteem in women and young girls. The Board considered the application of Section 2.1 of the Code, relating to discrimination and vilification on the basis of gender; Section 2.3, relating to the treatment of sex, sexuality and nudity; and Section 2.6, relating to prevailing community standards on health.

The Board noted that the women depicted are modelling the underwear that is being advertised and considered it reasonable for the advertiser to use images of the product being modelled in its advertising. The Board noted that the women's breasts were all covered and considered the poses were not overtly sexualised. The Board considered the advertisement did not treat nudity or sexuality in a way that was inappropriate to a general audience and therefore determined there was no breach of Section 2.3 of the Code. The Board also considered that the depiction of the women modelling the underwear was not discriminatory or vilifying of women and found no breach of Section 2.1 of the Code.

The Board noted the advertisement references different female body types and, regardless of whether

the images of the women actually had that body shape, considered that the women portrayed did not appear unhealthily underweight or suggestive of a perfect body shape. The Board considered the images were not contrary to prevailing community standards on health and that most members of the community would not find them offensive. The Board therefore found no breach of Section 2.6 of the Code.

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