



CASE REPORT

1. Complaint reference number	96/06
2. Advertiser	David Jones (Simone Perele)
3. Product	Clothing
4. Type of advertisement	Outdoor
5. Nature of complaint	Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Tuesday, 11 April 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement features a banner-style image of a young woman lying on a carpet of yellow flowers, and wearing a cherry-patterned white bra and panties set. The underwear is transparent however genitals or nipples are not visible.

THE COMPLAINT

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

Model with bra and see through undies on lying down – can see pretty much everything.....soft porn every time we drive down the freeway

THE ADVERTISER'S RESPONSE

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

...the shot is incredibly tasteful and all retouching has occurred.

...we appreciate the time that this particular person has taken to bring (this advertisement) to our attention

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered that the only section of the Code that may be applicable is that relating to depiction of nudity. The Board noted that the product advertised is lingerie. The Board noted that the woman wearing the lingerie in the advertisement is lying in a field of flowers. The Board did not consider that the pose or context of the advertisement was in any way sexual. The Board noted the advertiser’s comments that the image had been retouched which presumably means that this is why nipples and genitals are not visible. The Board noted that the advertisement is a billboard and that the audience is very broad.

The Board considered that the depiction of the woman in a non-sexual pose, wearing lingerie which does not expose her genitals was appropriate to an advertisement for lingerie.

The Board did not consider that the advertisement breached section 2.3 of the Code. Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.