

## Case Report

1. Case Number :	0075-25
2. Advertiser :	Bras n' Things
3. Product :	Lingerie
4. Type of Advertisement/Media :	Transport
5. Date of Decision:	2-Apr-2025
6. Decision:	Dismissed

### ISSUES RAISED

AANA Advertising to Childrens Code\2.3 Sexualisation

AANA Code of Ethics\2.2 Exploitative or Degrading

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This bus advertisement features a woman wearing pink lacy lingerie with a pair of sheer black stockings over the top. The text "This is where I change" is also featured.



## THE COMPLAINT

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

*Your organisation has allowed sexually inappropriate advertising on buses that are used for Primary Schools.*

*This massive ad was plastered across the side of a TransPerth school bus collecting children and young people after school, at a school bus stop. Can children go nowhere in this world without having naked women shoved in their faces? Not even school? We know the consequences of this type of media/advertising - it grooms girls to self objectify, and contributes to a culture in which boys learn that sexual harassment of women and girls \*including teachers and school peers\* is acceptable.*

*This is the same week media reported "Students from a prominent public high school in Perth's western suburbs have been reported for allegedly discussing plans to sexually assault females, and in some cases passing images of those girls and women around, while on the bus home."*

*Can advertisers get a grip and give our girls and boys a chance to escape p\*rn culture for 5 minutes?*

*Surely all the reasonable adults in the room can agree that an oversized image of a woman in a state of undress in sexualised underwear is not an appropriate ad for the side of a bus picking up school kids.*

*Sexualisation and objectification of women, sexual connotations and references that should be limited to age appropriate contexts. When I researched, they claim it is EMPOWERING women because it "focuses on the transformation moments in the changeroom"???? This ad was on a B1 huge double decker bus for EVERYone of all ages to see, and the intended meaning behind the ad did NOT feel empowering.*

## THE ADVERTISER'S RESPONSE

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

*We wanted to firstly apologise for any impact this has caused, it is never our intention at Bras N Things.*

*I would like to firstly make it clear that there is no one naked in any of our advertising. I will not respond to the remainder of the complaint as linking sexual assault, self-objectification and grooming to advertising lingerie is not valid.*

*Our community partner at Bras N Things is WAGEC and we work very closely with that partnership around such issues. Bras N Things cannot be held responsible for anything that is happening in that space.*

*We encourage women to be comfortable with whatever choices they make and what may be sexy lingerie for one woman will be different for another, that's their choice.*

*I have spoken with the media partner for this activity.*

*Transit OOH is being used in this campaign as a broad reach channel to drive awareness. Transit bookings are placed on a variety of different bus routes across the country, reflective of the market priorities for the campaign. The audience for advertising on public transport assets is a representative proportion of the population, which is at least 80% adults. We would never intentionally target school buses, or even routes that pass schools.*

*Due to the nature of the public transport system, it is not possible to determine which vehicle will be assigned to a particular route on any given day, however the large majority of bus routes are for public transport and heavily adult skewed.*

*These instances are very unlikely for the most part, but we will continue to look at how we can ensure we keep this in mind for any future advertising campaigns.*

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Children's Advertising Code (the Children's Code) or Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- depicts inappropriate nudity for a school bus
- is exploitive to women

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that for the provisions of the Children's Code to apply, the advertisement must be found to target children under 15 years of age.

### **Does the advertisement target children?**

The Panel noted that the Children's Code defines "target children" as:

*"Target Children is determined by the context of the advertisement and the following three criteria:*

1. *Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
2. *Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
3. *Expected average audience at the time or place the advertisement appears includes a significant proportion of Children."*

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":

*"All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.*

*"In relation to the third criteria, measures to determine if Children are likely to be a 'significant proportion' of the expected average audience may include one or a combination of the following:*

- *Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision)."*

Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?

The Panel considered that the advertised product is lingerie and considered that this product is not principally or significantly appealing to children.

Point 2: Is the content of the advertisement principally appealing to children?

The Panel considered that the content of the advertisement is an adult woman posing in lingerie, and considered that this content would be principally appealing to adults interested in buying lingerie, and not to children.

Point 3: Does the expected average audience of the advertisement include a significant proportion of children?

The Panel noted the advertiser's response that the advertisements were placed on public busses, which could occasionally be used as school busses, and this use was outside the advertiser's control. The Panel considered that the audience of the advertisement on school busses may include a significant proportion of children, but the audience of the advertisement on busses generally would not.

### **Targeting children conclusion**

The Panel considered that:

- the product would not have significant appeal to children
- the content of the advertisement was not principally appealing to children
- audiences for the advertisement may at times include a significant proportion of children.

The Panel considered the placement of this advertisement on school busses, did not outweigh the other two elements, and therefore found that the advertisement did not target children and the provisions of the Children's Code do not apply.

### **Code of Ethics Section 2.2: Advertising shall not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

- *Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.*
- *Degrading – lowering in character or quality a person or group of people.*

The Panel noted the Practice Note to Section 2.2 states:

*“For material to breach this section of the Code, it must contain sexual appeal. Models in underwear or lingerie surrounded by or next to fully clothed models may suggest a power imbalance and be found to be exploitative or degrading. Material can be found to be exploitative or degrading even where the model is looking confident where the model is being depicted as a product or commodity or the focus on body parts is not relevant to the product or service being advertised. Advertising which used sexual appeal and suggests that a person is a product, or that they exist only for the enjoyment of others has been found to breach this section of the Code. Likewise, advertising which uses attractive models in revealing clothing, where the use of the model is not relevant to the product, has been found to be exploitative.”*

Does the advertisement use sexual appeal?

The Panel noted that the advertisement features a woman posing in lingerie and considered that this contains sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement features a woman in lingerie and that this created some focus on her body, however, the Panel considered that this focus was relevant to the promotion of lingerie.

The Panel considered that the overall impression of the advertisement is that the woman has chosen to wear the lingerie and feels comfortable and confident in posing in it. The Panel considered that the wording of the advertisement is in first person “this is where I change” rather than a statement in the third person making comments on the woman’s body. The Panel considered that this statement further demonstrates that the woman has control.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of the woman.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the woman’s portrayal in lingerie was relevant to the product being promoted and was not a depiction which lowered her in character or quality. The Panel considered that the advertisement does not employ sexual appeal in a manner which is degrading to the woman.

**Code of Ethics Section 2.2 conclusion**

The Panel concluded that the advertisement did not breach Section 2.2 of the Code.

**Code of Ethics Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“Overtly sexual images are not appropriate in outdoor advertising or shop front windows.*

*Although not exhaustive, the following may be considered to be overtly sexual:*

- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen.*

*Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*

*Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."*

#### Does the advertisement contain sex?

The Panel considered whether the advertisement contained a depiction of sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel noted that the woman is not interacting with another person or engaged in sexually stimulating behaviour, and that the advertisement does not contain sex.

#### Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel considered that the woman is wearing lingerie and that the advertisement did contain sexuality.

#### Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity".

The Panel noted that the advertisement depicted the woman in lingerie and that this was a depiction of partial nudity.

#### Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is "understanding and awareness to the needs and emotions of others".

The Panel noted that assessing whether sexual suggestion is 'sensitive to the relevant audience' requires consideration of who the relevant audience is and how they are likely to react to or feel about the advertisement.

The Panel noted that this advertisement was on public busses, including school busses, and the relevant audience would be broad and would include children.

The Panel considered that the woman's genitals and full breasts were not visible, and the overall advertisement did not contain a high level of nudity. The Panel considered that the woman was not in a sexualised pose and the wording of the advertisement was not sexual.

The Panel considered that the advertisement was not overtly sexual and did treat the issues of sex, sexuality and nudity with sensitivity to the relevant broad audience.

#### **Code of Ethics Section 2.4 conclusion**

The Panel found that the advertisement did not breach Section 2.4 of the Code.

#### **Conclusion**

Finding that the advertisement did not breach any other section of the Children's Code or the Code of Ethics the Panel dismissed the complaints.