



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0347/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Innerware Lingerie</b>
<b>3</b>	<b>Product</b>	<b>Lingerie</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/10/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

A woman walks in to a tyre fitting shop wearing matching bra, undies and hold-up stockings and asks the man behind the counter 'can you fit me?' The men who work in the shop all look amazed to see this woman in her lingerie and openly admire her. The camera pans down her body slowly so we can see the lingerie she is wearing.

### THE COMPLAINT

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

*The ad was discriminatory towards women and in very poor taste. It was highly inappropriate and had nothing to do with lingerie.*

*I think it's disgusting you allowed a commercial in this taste to air on TV*

*It is appalling that this is an Innerware ad who only make women's underwear.*

*You wouldn't know the ad is actually about bra's and other women's underwear until the very end.*

*It disgusted me and it is degrading to women. I thought it was an ad for the sex industry when I first saw it.*

*Just look at the description of the ad. A woman walking around in her underwear and high heels like she is still getting dressed or about to be intimate with another human being like a*

*boyfriend or husband, but instead she's seen walking through a car shop in the middle of the day with men staring at her barely covered body.*

*Please get this ad scrapped - it is shameful Innerware, a store that prides themselves on making women feel beautiful inside as well, has been able to put this ad on the air.*

*What - do they not have to get approval before putting anything on the TV anymore?*

*I feel the ad represents low level porn. While I understand that innerware is selling underwear I feel there is no need for the ad to show a woman going to a mechanics in underwear and suspenders and suggestively bending over the counter to ask if they have all the quality brands. I would expect to see this sort of vision in a porn movie. I feel it is belittling of women and their sexuality and values women as sex objects for women to be there for men to ogle. Innerware could advertise their product in a much better light without degrading women.*

*A woman dressed in sexy underwear , Men looking at her for reasons only due to her outfit, it was degrading and sleazy to all women.*

*A am surprized something like this could be approved on free to air?*

*I will contact womans groups to complaine direct to the company I wouldnt want any young woman to see this.*

*This ad offends me because the purpose is to advertise women's lingerie, not to objectify women and promote attention by strange men as the main goal of wearing lingerie. This is demeaning to a lot of women. The ad is more aimed at men than women, yet it is advertising a product made for women. It is pathetic and unappealing to women like myself and I will definitely not shop at Innerware. It is of a sleazy nature and see no need to promote it in such a way. The message says only hookers shop at Innerware. A woman should feel confident in herself to be able to wear lingerie not feel demeaned.*

*It objectifies women and makes them out to be a piece of meat. it doesn't actually sell the lingerie at all only the fact that men want to service you. It's filth!!! And I don't think it was played very late at night*

*Sexually suggestive. Offensive to women. Inappropriate scenario and gratuitous. Sexual innuendo.*

*I think it is offensive and it stereotypes women!*

## **THE ADVERTISER'S RESPONSE**

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

*The concept is intended to be quirky and tongue in cheek. In no way was there any intention to discriminate against, objectify, exploit or degrade women. Innerware is a retailer of ladies underwear and the actress was wearing their product.*

*The woman is portrayed as being very confident and in control. In absolutely no way is she undermined by the males in the ad. Her attire, although revealing, is classy and covers all genitalia. There is no nudity in this ad.*

## **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 complainants’ concerns that the advertisement is degrading and demeaning to women and features a level of sexuality and nudity which is not appropriate.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the advertisement features a woman walking in to a tyre fitting workshop wearing lingerie and asking the man behind the counter if he can ‘fit’ her.

The Board noted the complainants’ concerns that it is demeaning to women to show a woman being ogled by men in this manner. The Board noted the advertiser’s response that the woman is portrayed as being confident and in control and is not undermined by the men in the advertisement.

The Board considered that the woman struts into the workshop in a very confident and empowered way and that she is very aware of the attention that she is drawing to herself. The Board considered that for the woman to ask a man, who is clearly a tyre fitter and not a bra fitter, if he can ‘fit’ her is a purposeful question, designed to shock the male and to give the impression that she is not intimidated by a workshop full of men.

The Board considered that the confidence of the woman gave her a position of power and that this was not a depiction that discriminated against a person based on their gender.

The Board also noted that the men were presented as being incapable of carrying out their duties due to wanting to stop and gaze at the woman. The Board agreed that this was a realistic response to what the men saw and that it was not discriminating against men.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the complainants' concerns that the depiction of the woman is degrading and noted that in order to breach this Section of the Code the depiction would need to be considered both exploitative and degrading.

The Board noted that the product advertised is lingerie and considered that whilst a depiction of a woman in lingerie is not of itself exploitative and/or degrading in the Board's view the depiction of a woman in her lingerie asking a tyre fitter if he can 'fit' her is a purposeful use of her sexual appeal to attract the attention of the viewer to the product being advertised.

The Board noted that the woman deliberately dressed in a manner that will attract the attention of the employees of the workshop and that she appears to be enjoying the attention of the men who work there. The Board considered that although the advertisement does use sexual appeal, it is not portrayed in a manner that is exploitative and degrading to women.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainants' concerns that the advertisement is sexually suggestive.

The Board noted that the advertisement features a woman in lingerie and high heels strutting through a workshop with a significant focus during this on her body. The Board noted that before the woman speaks to the man behind the counter the camera pans slowly up her body. The Board considered that these images were sexually suggestive and that there was a strong focus on her body in the lingerie.

The Board noted also the woman asking the question, "can you fit me" and considered that this is intended as a double entendre reference to a sexual act and also to having a bra fitted.

The Board noted that the advertisement is for lingerie and considered that it is appropriate to depict women wearing lingerie that is available. However in this advertisement the Board considered that the placement of the woman in a mechanical workshop, her strutting through the workshop and being openly stared at by men, the particular focus on her body and the sexualised double entendre created a strongly sexualised tone of the advertisement. The Board considered that the overall impression of the advertisement is a relatively high level of sexual suggestion and nudity.

The Board noted that the advertisement was rated 'M' by CAD.

The Board did consider that the advertisement is attempting to portray a humorous reversal of the stereotypical advertisement which uses scantily clad attractive women to sell unrelated

products.

However the Board considered that the advertisement did have a strong sexual suggestion with the combination of the woman wearing lingerie, her sexualised strutting, the focus on her body and the sexualised conversation. In the Board's view the level of sexualisation was not sensitive even to an M classification.

Based on the above the Board considered that the advertisement depicted images which did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement breached Section 2.4 of the Code the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

In response to the above complaint regarding the Innerware 'Can you fit me' TVC, we have taken key# IW FIT 09 13 30 "Can you fit me" off air and will not be airing this ad in the future.

On behalf of Innerware and Crisp Advertising, please accept our sincere apologies for any inconvenience that we inadvertently caused.