



Case Report

1	Case Number	0331/16
2	Advertiser	Bras n' Things
3	Product	Lingerie
4	Type of Advertisement / media	TV - Out of home
5	Date of Determination	10/08/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This video advertisement appears in the store windows of Bras N Things and features a woman wearing different styles of Playboy lingerie. The camera moves over the woman's body so we can see the detail of the lingerie. There is no audio.

THE COMPLAINT

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

They were not merely modelling the underwear, they were moving suggestively, gyrating and looking lasciviously at the camera - like a very amateur porn movie. It was a demeaning and embarrassing display.

This was in an ordinary public place, with children and families there, why should they be confronted with it in a shopping mall. It was vulgar, unsuitable for the young and simply demeaning for any woman walking past.

The display was on a large screen so seeing it was unavoidable.

THE ADVERTISER'S RESPONSE

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

Bras N Things does not feel that it has breached any advertising standards and have received very little feedback from customers however to be respectful to the centres that have received customer feedback, we have replaced the video content with stills in good faith as of today.

The video advertisement is playing on digital screens in our store window in limited stores. The video content is promoting our current Playboy branded lingerie campaign and is live from July 18 – 31.

There is no sound with the video, it is imagery only.

Please see below our response to Section 2 of the Advertiser Code of Ethics:

2.1 Discrimination or vilification - We do not believe that this video discriminates or vilifies in any way.

2.2 Exploitative and degrading – The video content features a solo women in lingerie showcasing a range of different styles to promote the latest range of Playboy branded lingerie in-store. We do not believe that this video is degrading or exploitative in any way.

2.3 Violence – There is no violence depicted in this video.

2.4 Sex, sexuality and nudity – Bras N Things is a lingerie retailer and therefore showcase a variety of lingerie styles in our store front windows. Bras N Things is the exclusive stockists of Playboy branded lingerie in Australia and in this particular instance, the video content relates to a Playboy window campaign that we are running from July 18-31. The model in the video wears a variety of lingerie styles including bras, briefs ('Brazilian' cut, no G-strings), suspenders, stockings and a bodysuit. The model wears lingerie throughout the video, there is no nudity.

2.5 Language – There is no accompanying sound to this video, it is imagery only.

2.6 Health and Safety – The video does not relate to any health and safety issues.

Additional Response:

Thank you for sending this through. Bras N Things does not feel that it has breached any advertising standards and have received very little feedback from customers however to be respectful to the centres that have received customer feedback, we replaced the video content with stills only in good faith as of Thursday last week, 28th July.

The Playboy branded lingerie campaign that the complaint refers to has now concluded. The campaign was live from July 18 – 31.

There was no sound with the video, it was imagery only. CAD reference number isn't applicable as the video content was only aired in-store.

Please see below our response to Section 2.4 of the Advertiser Code of Ethics:

2.4 Sex, sexuality and nudity – Bras N Things is a lingerie retailer and therefore showcase a variety of lingerie styles in our store front windows. Bras N Things is the exclusive stockists of Playboy branded lingerie in Australia and in this particular instance, the video content relates to a Playboy window campaign that was running from July 18-31. The model in the video wears a variety of lingerie styles including bras, briefs ('Brazilian' cut, no G-strings), suspenders, stockings and a bodysuit. The model wears lingerie throughout the video, there is no nudity.

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 was a demeaning display of a woman modelling underwear and was akin to an amateur porn movie.

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

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 that the advertisement is a large screen with a moving image of a woman wearing different underwear as scenes change, with no accompanying sound.

The Board noted that there is no product labelling on the screen to indicate the shop or the brand, although noted the advertiser's response that it appears in the window of Bras N Things premises and is advertising their Playboy branded lingerie campaign.

The Board acknowledged that some members of the community would prefer that this type of advertising not be prominently displayed in stores within shopping malls, particularly where children can view them, but considered that the advertiser is allowed to advertise the products available to purchase within the store as long as the advertising complies with the relevant Codes.

The Board noted the video advertisement features changing images of the woman wearing lingerie and considered the lingerie worn covers her private areas and the level of nudity is consistent with other advertisements for lingerie. The Board acknowledged that the lingerie worn by the woman in this advertisement can be purchased in store, but considered that the manner in which the lingerie is modelled by woman is sexualised.

The Board considered that most of the images in the video if they were a still image would be likely to be suitable for display considering Board decisions made in Cases 0305/16, 0235/16, 0466/15 and 0331/15.

However, in this case the Board is considering a silent movie which is a focus on a woman in lingerie. The Board considered that the silent, moving image draws the eye of passers-by. The Board noted the video depicts a model moving around and considered that the model is stroking her hair and moving her body suggestively and that this amounts to a sexualised impact. The Board considered that as the video image contains no branding of the shop or the particular line of lingerie there is a more sexualised impact of the material as the focus is on the woman's body rather than on what she is wearing.

The Board noted that the video advertisement is displayed in a shop window facing into the shopping centre where any member of the public could view it. The Board therefore considered the relevant audience of this advertisement is very broad, including children and noted that the Code requires advertisers to treat sexualised imagery with sensitivity to a broad audience which in this case is likely to include children.

The Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The Playboy branded lingerie campaign that the complaints refer to has now concluded and all related video footage was removed from stores on Sunday 31st July, 2016. This video footage will not be used again.