



Case Report

1	Case Number	0389/10
2	Advertiser	Myer/Grace Bros
3	Product	Clothing
4	Type of Advertisement / media	Mail
5	Date of Determination	22/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

The first image features Jennifer wearing a pink Lovable bra and short holding a slice of watermelon in her left hand and her right index finger in her mouth.

In the second image Jennifer is wearing a yellow Lovable bra and g-string holding a melting ice cream with her head tilted towards her right arm where the ice cream has dripped and her mouth open.

Catalogue: MyIntimates ""Discover Summer 10/11"" catalogue, on sale Wednesday 1 September 2010 until 12 September 2010.

THE COMPLAINT

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

- 1. It objectifies women more specifically as sexual objects. The advertisement is aimed at an intended male viewer and the contents and suggestion of the ad are salacious.*
- 2. A women's underwear ad should at the very least inform women about the qualities of underwear qua underwear i.e. address matters of fabric (cotton polyester etc; whether padded or wired; fit (e.g. what sizes do the garments come in?). This ad does not do that because the ad is not designed to be useful to the woman purchaser but to excite a male viewer (or at least to encourage the woman to see herself with male eyes and not to see herself as customer seeking underwear suitable for her needs). The language used in the tiny bit of text describes the garments in sexually suggestive terms - "shapely sorbet" "custard" (thus continuing the visual suggestions of oral sex - see below).*

3. Last but not least the ad is quite simply indecent. Soft porn is the term that comes to mind. It would better fit the walls of a brothel than a catalogue delivered to the letterboxes of ordinary households. The clear implication is one of first an invitation to a sexual encounter (the woman on the left) and second the aftermath of that encounter (the running ice cream in the hand of the woman on the right).

I morally and intellectually object to the ad for the reasons outlined above. It was unworthy of one of our major retailers. It is not in accordance with community standards of decency and it undermines respect for women as human persons not mere objects of male desire. I also personally found it repugnant.

THE ADVERTISER'S RESPONSE

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

We have reviewed the concerns raised by the customer suggesting that the advertising of the Lovable Intimates underwear on page 7 of the myintimates catalogue on sale Wednesday 1 September 2010 to 12 September 2010 promotes objectifies woman as sexual objects.

We note that section 2.3 of the Advertising Standards Bureau AANA Code of Ethics states that "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone"

Myer is of the view that the Lovable advertisement does not discriminate or vilify sexuality or nudity that would contravene prevailing community standards, and that the advertisement is not aimed at young children. Rather the advertisement supports the current summer range of new season colours and style of underwear by Lovable. The props used in the advertisement were chosen by Lovable as they are typically symbolize summer.

Furthermore, the catalogue is primarily aimed at woman and acts as an information guide to assist woman in finding the perfect look or fit for bras. Page 4 and 5 of the catalogue contains details on the different types of bras available. The Lovable advertisement is showcasing one of the styles featured on page 5 but in a cheeky, lighthearted and fun manner playing on the theme of summer and the brand image of Lovable.

Accordingly, Myer does not believe that the advertisement contravenes section 2 of the AANA code of ethics.

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 complainant's concerns that the advertisement objectifies women and uses sexually suggestive language and images.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the advertisement features Jennifer Hawkins wearing two different coloured sets of underwear in various poses. The Board noted the advertiser's response that this advertisement was meant to showcase the new spring/summer collection for the Gazal Loveable underwear range.

The Board noted that the advertisement consists of images of the model wearing different products and considered that the poses of the model in the advertisement were exaggerated. The Board noted that in the two images she is seen to be holding and consuming various foods which are a colour that match the various lingerie items she is wearing. The Board noted that in one image the model is sucking her finger and holding a slice of watermelon, and in the other image she is licking ice-cream from her wrist whilst holding an ice-cream cone. The Board noted the advertiser's response that these foods matched the colours of the underwear the model was wearing and that they were chosen because they were summer foods, which matches the theme of the collection.

The Board considered that the images of a model posing wearing the product – lingerie – was relevant to the product and that it is reasonable for an advertiser to depict the product being worn. However the Board considered that the poses of the model with the food are mildly sexualized.

The Board's role is to decide whether the images of the woman are treated with sensitivity to the relevant audience and, where appropriate, the relevant time zone.

The Board noted the advertiser's response that this advertisement is featured in their Intimates catalogue and that this catalogue is primarily aimed at women. The Board considered that whilst children could see these images, the Board also noted that the sexual suggestion would not be understood. The catalogue is not aimed at children and the advertisement is in keeping with the theme of the catalogue. The Board also noted that the target audience of this catalogue would be women looking to buy underwear and not men.

Based on the above, the Board determined that the advertisement does feature sexualised imagery which some members of the community could find inappropriate, but that these images were acceptable for the intended target audience in this instance. The Board considered that this advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided".

The Board noted the complainant's concern that the language used in this advertisement was sexually suggestive. The Board noted that the language used in the advertisement was to describe the underwear the model was wearing: "Suddenly Shapely Sorbet...in custard" and "...in blushing bride".

The Board considered that the word "shapely" is typically used in advertising to describe underwear, and that there are no sexual overtones in the word. The Board considered that the use of the words 'custard' and 'blushing bride' were used to describe the colour tones of the featured underwear. The Board considered that the language used was not sexually suggestive and was not strong or obscene.

The Board determined that the advertisement did not use language that was inappropriate in the circumstances or strong or obscene and was not in breach of Section 2.5.

The Board then considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... sex..."

The Board noted that the woman in the advertisement is wearing the advertised product and considered that the image of the woman is relevant to the product. The Board considered that the mildly sexualised suggestion of the poses does not demean or vilify the model or women generally, and does not breach section 2.1 of the code.

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