



## **CASE REPORT**

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| 1. Complaint reference number | 468a/06  |
| 2. Advertiser                 | Bendon Ltd (Elle Macpherson Intimates)   |
| 3. Product                    | Clothing   |
| 4. Type of advertisement      | Outdoor  |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 12 December 2006  |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor advertisement features the torso of a woman wearing black lacy bra and briefs standing against a white dresser table.

## **THE COMPLAINT**

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

*I am totally embarrassed and squirm with horror when I see the tramstop outdoor advertising of women looking like prostitutes...demean(s) the proud and intelligent women and the advertisements do their best to do this, demean and disempower!!*

*I find it offensive and sexually suggestive, as it reduces the essence of a woman to simply a body.*

*It is suggestive of child pornography. The underwear is so translucent that the lack of pubic hair is evident, and the small breasts, and definition of hips and waist suggest a girl well under sixteen years of age. It is disturbing that the focus of the ad is a crotch, let alone that of a young girl.*

*Exploitation of women by displaying them as sex objects.*

## **THE ADVERTISER'S RESPONSE**

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

*The billboards in question are an evolution of a campaign, which has been running since 2003, which focuses on the word Intimate in the brand name Elle Macpherson Intimates. In doing so it is designed to create an 'intimate moment' between the lingerie and the consumer. The images portrayed are extremely feminine, luxurious and beautifully stylised showing garments that women wear everyday and for every occasion.*

*The Elle Macpherson Intimates campaign was conceptualised, designed and overseen by a woman taking inspiration from the Alfred Hitchcock film Rear Window. Rear Window continues to be shown on television worldwide and is largely regarded as one of the great cinematic classics.*

*The intention has never been to cause offence or alienate any individual. Moreover the feedback to date on the campaign has been well received and very positive.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches section

2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered whether the advertisement contravened section 2.3 of the Code dealing with sensitive use of sex, sexuality and nudity.

The Board noted the complainant’s comments that the advertisement depicted ‘child pornography’. The Board noted that the advertisement is for underwear and that images of people wearing underwear are a not uncommon method of advertising underwear. The Board disagreed with the assertion that the image concerned depicted a child.

The Board considered that in this advertisement the woman was not posed in a sexual manner, there were no sexual overtones to the advertisement, and the underwear itself is not particularly provocative. The Board noted that there is no nudity and the woman’s genitalia and breasts are not visible. The Board therefore considered that the advertisement was appropriate to the relevant audience and did not breach section 2.3 of the Code.

The Board then considered whether the advertisement breached Section 2.1 of the Code dealing with discrimination against gender.

The Board concluded that the use of women in advertising lingerie was commonplace and that this particular example did not discriminate or vilify women generally. The Board hence concluded that the advertisement did not breach section 2.1 of the Code.

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