



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0026/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Honey Birdette</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>30/01/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Image of a blonde model in a pink full length corset and briefs. She has black stockings on and a santa hat.

### THE COMPLAINT

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

*The advertisement shows a very provocatively dressed model, who is wearing a very small, low cut bra, therefore exposing a large amount of cleavage - so much so that it is very surprising her nipples are not showing. Obviously the advertiser is trying to get as close to showing nipple as possible - perhaps even has photo shopped the nipple out. The poster is larger than life, so the photo is huge and very hard to miss. It is extremely inappropriate for a family shopping centre and if it has to, should be displayed inside the store, not on the outside where everyone of all ages walks past. It is most definitely public pornography.*

### THE ADVERTISER'S RESPONSE

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

*The poster which is a lady in a full length corset and briefs - she certainly does not reveal any nipple. We chose this image because it was tame and it was xmas. There is no pink bra. It's full length and covers her stomach and nipples and there was purposefully no intention to imply anything extremely low cut. That does not work for us at Christmas time so I am a little taken aback about this one.*

*While I don't have access to my Chermside shots they were the same for all stores - this is a picture for Carindale. The same shot. I've also included the live link (as the photo is blurry) so you can scroll over and magnify around her chest area.*

*<http://www.honeybirdette.com.au/p-392-coco-papaya-corset-set.aspx>"><http://www.honeybirdette.com.au/p-392-coco-papaya-corset-set.aspx>*

*All this being said the poster was a xmas promotion and has already been replaced.*

## **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 depicts overtly sexualised material which is inappropriate for a broad audience especially children.

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

The Board 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 features a large image of a lingerie model wearing a low cut pink camisole, suspenders and briefs to match. The model is also wearing a Santa hat as part of sales promotions prior to Christmas.

The Board noted the complainant’s comments about the location and positioning of the poster, facing outward in a busy shopping centre.

The Board noted that the model is wearing underwear which is sold by the advertiser and that the advertisement is a large, life size poster in the window of the advertiser’s shop. The Board noted that it is reasonable for an advertiser of lingerie to use their products in their advertising and noted that it had previously dismissed complaints for images for the same advertiser (172/10 and 293/11). The Board considered that the image is relevant to the product.

The Board considered that the reference to “naughty or nice” is a link to the well-known Christmas idea of Santa knowing who has been “naughty or nice” and is not considered a suggestion of sexual behaviour.

The Board considered that the pose of the woman and the amount of breast shown. The Board considered that although the nipple of the model is not visible, the low cut of the camisole, is only barely covering her nipple and bust. The Board noted there is a level of

community concern about the sexualisation of children and acknowledged the placement of the advertisement meant that the relevant audience was very broad and would include children.

In the Board's view the depiction of a young woman in a sexualised pose and wearing low cut lingerie of this nature, in this instance amounted to a depiction that is highly sexualized and does not treat sex, sexuality and nudity with sensitivity to the relevant audience and breached 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**

I do not accept the ruling in this case. The complaint specifically refers to a bra and nipple showing. There is neither. It is a fabrication and was hard to even respond to given that what is written and what was actually used for shop signage were two completely different things.

Furthermore I do not accept the ASB ruling regarding the picture being insensitive. The insinuation that the side angle of a woman's chest (with her nipple covered) is more provocative than cleavage is not only confusing but incorrect.

She's in a full corset which we sell and there are many more provocative displays at the Chermshire store than the one that Honey Birdette presented for Christmas promotion. Target, Big W and the list goes on.

As stated previously, this image was chosen for our Christmas promotion because she was fully covered from chest to waist. You will also notice she was wearing a full brief.

Furthermore if certain images from SEXPO such as that from case 0060/10 can be dismissed - how can this image be classified as more sexual?

One is a class representation of product we sell without breast or bottom showing. The other is a tacky representation of a female on her knees in a g-string, on a main road and in a highly sexualised position.

I don't accept the ruling.