



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0049-22
2. Advertiser :	Shein
3. Product :	Clothing
4. Type of Advertisement/Media :	Internet
5. Date of Determination	9-Mar-2022
6. DETERMINATION :	Upheld – Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity  
AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement includes three images of women in bikinis.

Image one features a woman wearing a metallic bikini photographed from behind. The camera angle is low and her hands are touching the sides of her buttocks.

Image two features a woman in a chain link thong bikini photographed from behind. The woman is straddling a chair covered in wool.

Image three features a woman in a patterned bikini set. She is facing the camera with her legs open and is tugging the middle of the bikini down.

### THE COMPLAINT

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

*Scrolling through a site that a friend recommended to buy a maxi dress, I was bemused at the images shown to me on a clothes site. The images in my opinion are crossing the boundaries of tasteful.  
The images also look excessively photo shopped with body stretched and emphasised to certain body parts.*



*I found it confronting and excessive - it's not an adult site for adult wear. I ask why it has to be so suggestive.  
I'm of the opinion it's degrading to women.*

### **THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

### **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement:

- is degrading to women
- is confronting and excessive
- looks excessively photoshopped.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

### **Section 2.2: Advertising should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

*Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.  
Degrading – lowering in character or quality a person or group of people.*

### **Does the advertisement use sexual appeal?**

The Panel noted that all three images feature women in swimwear in sexualised poses. The Panel considered that these images do contain sexual appeal.

### **Does the advertisement use sexual appeal in a manner that is exploitative?**

#### Image 1

The Panel considered that although the woman's head was not visible and this contributed unnecessarily to her objectification, there was a focus on her buttocks and the image was relevant to the style of the swimwear being promoted. The Panel



considered that the clear focus was on the swimsuit and the overall impression was not that the woman in the advertisement was an object or commodity.

#### Image 2

A minority of the Panel considered that the woman's pose of straddling a chair has emphasized her largely exposed buttocks and is not necessary to show the detail of the product. A minority of the Panel considered that the image did contain a focus on the woman's body parts in a manner which is not relevant to the product being promoted.

The majority of the Panel considered that the woman's pose was showing the detail of the chain at the back of the product and considered that the focus on the woman's buttocks was relevant to this.

The Panel considered that the focus of the image was on the swimsuit and the overall impression was not that the woman in the advertisement was an object or commodity.

#### Image 3

A minority of the Panel considered that the fact that the woman's head was not visible contributed to her objectification. A minority of the Panel considered that the woman pulling down the string at the front of her bikini top was sexualised and not necessary to advertise the product. A minority of the Panel considered that this did create a focus on the woman's body parts in a manner which is not relevant to the product being promoted.

The majority of the Panel considered that the woman's pose was sexualised but the focus on the woman's body parts was relevant to the product being promoted.

The Panel considered that the focus of the image was on the swimsuit and the overall impression was not that the woman in the advertisement was an object or commodity.

### **Does the advertisement use sexual appeal in a manner that is degrading?**

#### Image 1

The Panel considered that while the woman's face was not visible, this was primarily because she was turned away and the focus of the image was on the detail on the back of the swimsuit. The Panel considered that the woman was not lowered in character or quality.

#### Image 2



The Panel considered that while the woman's face was not visible, this was primarily because she was turned away and the focus of the image was on the detail on the back of the swimsuit. The Panel considered that the woman was not lowered in character or quality.

### Image 3

The Panel considered that while the woman's face was not visible and this contributed to her objectification, this was primarily because the focus of the image was on the product. The Panel considered that while the woman's pose was sexualised she was shown as being in control and was not lowered in character or quality.

### **Section 2.2 conclusion**

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

### **Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."*

### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel considered that each image featured a woman modelling swimwear and none of the women were interacting with anyone else. The Panel considered that the advertisement did not contain sex.

### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel considered that the women in each of the images were wearing brief swimwear and posed in a sexualised manner which emphasized or drew attention to certain body parts. The Panel considered that advertisement contained sexuality.



### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the women were depicted in swimwear, and considered that this is a depiction of partial nudity.

### **Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that these images appeared on the Shein website when the consumer was browsing other products. The Panel noted that although the website does sell children’s clothing it primarily sells women’s clothing and the relevant audience would likely be adult women looking to purchase clothing.

#### Image 1

The Panel considered that while part of the woman’s buttocks and side of her breast were visible, this was directly relevant to the product being advertised and allowed potential customers to see the detail of the product.

The Panel considered that although the woman was touching the sides of her legs, the overall posing of the woman was not highly sexualised.

Overall, the Panel considered that image 1 did treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience of adults shopping for women’s clothing.

#### Image 2

A minority of the Panel considered that while a large amount of the woman’s buttocks were visible, this was directly relevant to the product being advertised and allowed potential customers to see the detail of the product. A minority of the Panel considered that the relevant adult audience would not find the image confronting.



The majority of the Panel considered that the woman's pose of straddling a chair with her legs apart was highly sexualised. The Panel considered that this in combination with the focus on the woman's near-naked buttocks created a level of sexualisation which was not necessary for the promotion of the product.

Overall, the Panel considered that image 2 did not treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience of adults shopping for women's clothing.

### Image 3

A minority of the Panel considered that the woman's pose of having her legs apart and pulling down on the string on her bikini was highly sexualised and that some people shopping for women's clothing would find this confronting.

The majority of the Panel considered that the woman's pose with legs open was necessary to show the shape of the bikini bottom. The Panel noted that the woman pulling down the front of her bikini top was sexualised, but that this was not inappropriate for a mostly adult audience.

Overall, the Panel considered that image 3 did treat the issues of sex, sexuality and nudity with sensitivity to the relevant audience of adults shopping for women's clothing.

### **Section 2.4 Conclusion**

The Panel determined image 2 of the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note to this section of the Code:

*"Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices", and "...where technology is used to digitally alter images of people to such an extent that their body shape, or features, are no longer realistic or attainable through healthy practices, or where the changes are not justifiable in the context of the product or service advertised, the advertisement may breach the Code if it is contrary to prevailing community standards relating to health and safety. Advertisers should refrain from altering images in a way that changes the body shape or proportions portrayed, for example by lengthening a person's legs to the extent they are not in proportion with the rest of their body or tightening their waist disproportionately to the rest of their body, so that the resulting image portrays a body shape or features that are unrealistic or unattainable through healthy practices".*



The Panel considered each image in the advertisement separately.

#### Image 1

The Panel noted that the angle of the image created a focus on the woman's buttocks. The Panel considered whether this was a depiction of unrealistic or unattainable body image.

The Panel considered that the shape of the woman's buttocks appeared natural and there was no indication the image had been edited or that the woman was unhealthy. The Panel considered that the space between the woman's thighs was most likely due to the woman standing with her legs apart and not due to editing.

Overall, the Panel considered that image 1 of the advertisement did not portray an unrealistic ideal body image.

#### Image 2

The Panel noted that the angle of the image created a focus on the woman's buttocks. The Panel considered whether this was a depiction of unrealistic or unattainable body image.

The Panel considered that the shape of the woman's buttocks was emphasised by the woman's pose of having her legs apart and leaning forward. The Panel considered that there was no indication the image had been edited or that the woman was unhealthy.

Overall, the Panel considered that image 2 of the advertisement did not portray an unrealistic ideal body image.

#### Image 3

The Panel considered that the woman in the image appeared healthy and that the image did not appear to have been edited.

Overall, the Panel considered that image 3 of the advertisement did not portray an unrealistic ideal body image.

#### **Section 2.6 conclusion**

Overall, the Panel considered that the advertisement did not portray material contrary to Prevailing Community Standards on health and safety in relation to body image. The Panel determined that the advertisement did not breach Section 2.6 of the Code.



## **Conclusion**

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

SHEIN (she-in) has been complying with the relevant laws and regulations in Australia applicable to the images of products in terms of women degrading, photoshopping and confronting and excessive. We have established an internal review mechanism to constantly review the images of our products sold on our website. After receipt of the complaint, we have conducted a more rigorous self-review and confirm again that the images under discussion do not contravene with any Australian laws in the relevant respects

We care deeply about our users' experience and feelings, as well as comments and suggestions from various social organizations and parties, including Ad Standards. We hereby confirm that we have already modified Image 2 of the advertisement in line with the Community Panel's determination. Such modification was actually made long before the issuance of the case report. Should you have any questions, please feel free to contact us. We thank you again for your considerations.