



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0078/19
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	20/03/2019
6	DETERMINATION	Upheld - Not Modified or Discontinued

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

Poster titled "Ivy"; 2 women in side embrace; dressed in black+jade 3-piece lingerie sets

## THE COMPLAINT

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

*This poster is on full display in the front window of the shop immediately to the left of the down escalator in full view of all public. When "men's magazines" are not permitted to be displayed in full view, nor able to post such images outside of newsagents it seems conflicting standard to permit this nudity. This shop is in a busy thoroughfare, accessible by young girls and boys plus general public. This image is not what I would want my young grandchildren viewing nor would I wish to have to*



*explain to them why the woman is wearing no pants. This ad is clearly intended to be sexually provocative in nature as indicated by the suggestive stance of the woman and her facial expression. She is clearly NOT selling underwear. This ad would be best placed in the window of a brothel, though I doubt they would be permitted such an explicit ad. I lodged a complaint last time I saw such a poster ( last time I visited Wollongong) and the complaint was upheld. Honey Birdette declined to challenge the ruling, but obviously paid no regard to the Ad Standard authority as this poster is no better than the subject of my previous complaint. (In the other window is a “more subdued” ad with the subject fully clad in underwear.) Imagery is sexualised, contains nudity; public display of this image comprises sexual harassment (See AHRC definition of sexual harassment). Causing harm to women and children in Australian communities.*

### **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 concern that the advertisement is too explicit for a shopping centre.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel noted the complainant’s concerns that the advertisement would comprise sexual harassment under the definition of the Australian Human Rights Commission. The Panel noted that it is only able to consider complaints under the Codes and Initiatives administered by Ad Standards, and in this instance the appropriate Code is the AANA Code of Ethics.

The Panel 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 Panel noted the complainant’s concern that the advertisement contains nudity



which is inappropriate for the relevant audience, including women and children.

The Panel noted that this poster advertisement was in the window of a store and was visible to people walking past the store, and considered that the relevant audience for this poster would be broad and would include children.

The Panel noted that the advertisement depicted two women in black and green lingerie standing outside in front of a car, the words 'Ivy' and 'London calling' appear on the poster.

A minority of the Panel considered that the advertisement did not appear to be overly sexualised and that the focus of the advertisement was on the lingerie being promoted, and not on the women.

The majority of the Panel considered that the sexualised attire of the women, although relevant to the product being sold, did not appear to be appropriate to the setting which is standing in a street. In addition, the majority of the Panel considered the depiction of women in lingerie in an outdoor setting with the words 'London calling' could be associated with a London call-girl style fantasy.

The majority of the Panel considered that the focus of the advertisement appeared to be on one of the women's buttocks, which appear to be completely bare in the advertisement. The majority of the Panel considered that the woman may be wearing g-string style underwear, however this was not apparent in the advertisement and the woman's buttocks were completely bare. The majority of the Panel considered that the lingerie is sexualised in design with the inclusion of suspenders and that there is a more sexualised feel to the advertisement due to the woman's pose and the focus on her buttocks.

The Panel noted they had considered a similar advertisement for the same advertiser in case 0311/18, in which:

"The Panel noted that the advertisement included a reflection of the back of the woman and considered that the design and cut of the lingerie featured in the advertisement left a large proportion of her buttocks visible with only a small piece of fabric covering her genitals.

The Panel considered that the focus of the reflected image within the advertisement was on the woman's bottom and that this imagery did contain a high level of nudity and sexual suggestion...The Panel considered that the level of nudity was at the higher end of the scale and the image was highly sexualised and as such the image included on a poster that is visible to members of the community standing outside the business was not appropriate for the relevant broad audience which would likely include children."



Similar to the previous case, in the current case the majority of the Panel considered that the lighting in the advertisement appeared to highlight the woman's buttocks and draw the eye of the audience to the woman's backside and emphasised the nudity in the advertisement.

The Panel considered that there was a high level of nudity in the image and that the image was sexualised. The Panel determined that the image included on a poster that is visible to members of the community passing by the business was not appropriate for the relevant broad audience which would likely include children.

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

Finding that the advertisement breached Section 2.4 of the Code, the Panel upheld the complaints.

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

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the advertiser and other industry bodies regarding this issue of non-compliance.