



Case Report

1	Case Number	0097/17
2	Advertiser	KissKill
3	Product	Lingerie
4	Type of Advertisement / media	Email
5	Date of Determination	08/03/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This email from KissKill advertising express shipping for Valentine's Day features a range of KissKill's lingerie with a Valentine's theme to current subscribers of their emails. The first image in the email blast features a colour image of a woman in black lingerie in a side profile shot. The image highlights the features of the designer luxury lingerie, including the bra which 'cups' rather than covers the breasts. The side of the left naked breast and nipple is visible. The email also showcases another four designer luxury lingerie items from KissKill's product range.

THE COMPLAINT

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

Whilst it is appropriate for a stockist of lingerie to advertise their product to subscribers I do not expect to see breast and bare/exposed nipple in my inbox. I believe this is going to far and is a breach of the code.

This is the link to view the email in the browser <http://us4.campaign-archive2.com/?u=d02aeffb4a0b9eb106761d2ab&id=65e39c08ba&e=7fecf01b98>

If that link doesn't work, happy to forward the email to you.

THE ADVERTISER'S RESPONSE

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

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

We refer to the complaint received in relation to KissKill's email blast image.

The image: The image features a designer luxury lingerie product. The lingerie product is the key focus of the image and worn by a female model presented in a side profile shot enabling the lingerie to be viewed from the back and the side in a single effective image.

There is a small amount of the model's bare breast and nipple shown however no more exposure than is necessary for this type of lingerie advertising. The image does not accentuate or emphasise the breast and the nipple is difficult to discern in contrast to the product.

The uncomplicated image highlights the lingerie and is a typical way of presenting designer luxury lingerie and almost all designer brands and retailers will showcase lingerie in a similar manner. The lingerie is the "hero" of the image. There is nothing indecent, shocking, inappropriate or offensive about the image.

AANA Code of Ethics: KissKill takes great care in ensuring compliance with the AANA Code of Ethics ("the Code") and consumer laws when it comes to advertising.

First, please note that the image is aimed customers who have chosen to subscribe to KissKill's email notifications. These customers are familiar with the nature of KissKill's product range and previous email campaigns.

The product is designed, manufactured, marketed and sold to adult subscribers. In relation to Section 2 of the Code note as follows : - Part 2.4: While the designer luxury lingerie product has an inherently sexual aspect only such nudity as is practically required to advertise the garments is displayed and no unnecessary exposure of skin and the female form is featured in the image advertised for garment in the shot.

THE DETERMINATION

The Advertising Standards Board (the "Board") considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement depicts an image of a woman in lingerie exposing her nipple which is not appropriate for subscribers.

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 this advertisement, an email promotion to subscribers, features several images but in particular, an image of a woman wearing KissKill lingerie and holding a riding crop. The woman's nipple is exposed in this particular bra.

The Board noted a recent decision for the same advertiser in case 0589/16 where similar images on Instagram were considered. In that case the Board noted that "that while the level of nudity is greater than that normally associated with lingerie advertising the Board considered that this type of lingerie is legally allowed to be advertised and in the Board's view the placement on the advertiser's own Instagram page means the relevant audience would be adults who are seeking out this product and not the general community."

Similarly to the above case, in the current case the Board noted that the pose of the woman leaning forward slightly and looking over her shoulder is sexy and is designed to show the features of the strappy lingerie. The Board noted that her pose is not overly sexualised and there is no suggestion of sexual activity. The Board noted that the woman's nipple is visible but considered that this level of nudity is relevant in the context of the advertised product.

The Board noted that the advertisement appears as an email to subscribers only and considered that this image of a woman wearing revealing lingerie is not inappropriate in the context of the advertised product and the placement in subscription email promotions.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience of adult customers who are subscribing to a particular business and receiving email promotions from this advertiser and determined that the advertisement did not breach Section 2.4 of the Code.

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