



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0138-22
2. Advertiser :	Alibaba Group
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet
5. Date of Determination	13-Jul-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This internet advertisement features an image of person in lace underwear which includes a pouch for male genitalia. The description of the picture is, "Sissy Lace Briefs Transparent Underwear Sheer Panties Man Pouch Panties See Through Underpants" and includes the price and a link to purchase.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

I have small children and I don't wish them to see these pictures.

THE ADVERTISER'S RESPONSE

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

Thank you for bringing this matter to our attention. We take matters like this extremely seriously and are committed to prompt responses and swift action.



Upon receipt your letter, we immediately undertook steps to investigate the issue – despite having nothing to do with the content at issue other than it being hosted on third-party product listings on the AliExpress platform.

The advertisement in question is not an AliExpress advertisement. It further does not comply with the terms of use, policies of AliExpress platform that users are contractually obliged to comply with.

AliExpress.com are online retail platforms operated by companies in the Alibaba Group. Third-party merchants, which are not owned or controlled by Alibaba Group, may list various products for sale, as well as advertising content associated with such products, on AliExpress.com. These third-party merchants author their own product listings. AliExpress is merely hosting someone else’s adverts for their merchandise on its platform, and therefore does not control the content listed by such third-party sellers. However, we have strict policies and regulations in place with which merchants must comply.

The description of advertisement in question is “The add was a picture of a sexy girl in tight lace underwear, with a penis”.

Please note in Article 8 of our product listing policy, we strictly forbid the adult and obscene materials, including image involves genitals whether of a real person, a dummy, or of simulation, as well as pornographic and obscene content. If there is “a penis” or a “sexy girl” in the picture, we will prevent it from listing or remove it immediately once we detect. Unfortunately, the picture was not provided in the complaint, otherwise the picture would have helped us better locate it on the platform through technical measures. Anyway, upon receipt of your letter, we conduct another round of thorough scan all over the platform, but do not find any picture as described in the complaint. If you may provide more information, such as screen shot, we are willingly to investigate it further.

Moreover, the compliant does not indicate whether the girl is adult or minor. Please note besides above rules, we have stricter rules over pictures involving minors as models, and recently we updated our policy to enhance the controls. You may refer to the announcement we issued recently at below, and we are in progress to remove pictures not in compliance with this updated rule.

Besides above, the compliant does not suggest any violation of the AANA code regarding discrimination or vilification, violence, language, health and safety, distinguishable as advertising.

In the meantime, please be assured that AliExpress.com are committed to creating a safe online shopping experience. All of Alibaba Group's platforms work relentlessly to ensure that consumers and stakeholders are protected. Strict platform rules and policies are in place and enforced, with which all sellers must comply, to help create and foster a safe platform environment. Our marketplaces also have in place a range of technological systems and tools aimed at ensuring compliance with platform safety



rules, and we are regularly assessing new ones. In addition to all our tools, feedback from stakeholders such as yourself is critical in ensuring nothing slips through the net unnoticed. In the future, with the use of the correct contact points we hope that together we can resolve any potential issues with the appropriate deliberate speed.

Below are the links of rules we refer to:

AliExpress Product Listing Policy

https://campaign.aliexpress.com/wow/gcp/itemblocken/index?wh_weex=true&wx_navbar_hidden=true&wx_navbar_transparent=true&ignoreNavigationBar=true&wx_statusbar_hidden=true&previewTime=1651045471708

AliExpress Index of Prohibited and Controlled Items

https://campaign.aliexpress.com/wow/gcp/PCI/index?wh_weex=true&wx_navbar_hidden=true&wx_navbar_transparent=true&ignoreNavigationBar=true&wx_statusbar_hidden=true&previewTime=1651730139016

Rules for Product Listings Involving Child Models

https://campaign.aliexpress.com/wow/gcp/chil/index?wh_weex=true&wx_navbar_hidden=true&wx_navbar_transparent=true&ignoreNavigationBar=true&wx_statusbar_hidden=true&previewTime=1657102789216

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 was inappropriate for children to view.

The Panel viewed the advertisement and noted the advertiser's response.

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:

"Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

"Although not exhaustive, the following may be considered to be overtly sexual:

- Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia*



such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;

- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

“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 noted that the advertisement depicts a person’s body from waist to thigh with no other people visible and with no interaction and considered that the advertisement does 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 image depicted a person in lace underwear and that the advertisement did contain 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 person was depicted wearing only lace underwear 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 this image appeared on an internet browser in conjunction with an email account and considered that the relevant audience would be predominately adult.

The Panel considered that the person was not posed in an overly sexualised manner, and that the intention of the advertisement was to draw attention to a style of underwear. The Panel noted that the person wearing the underwear is a doll rather than an actual person, evidenced by the lack of a real bellybutton.

The Panel considered that while the underwear was lace and of a style intended to accommodate a penis, a penis is not visible beyond a general shape, and it is unclear whether the shape is caused by a penis or by the general mould of the underwear itself.

The Panel considered that the advertisement is moderately sexualised, however the lack of nudity and it’s placement on a medium which would have a predominately adult audience meant that it is not inappropriate.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.