



## Case Report

1	Case Number	0235/16
2	Advertiser	Bendon Ltd
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

These three store window posters in the Bendon Outlet store in Subiaco, WA, feature images of women wearing Bendon lingerie.

### THE COMPLAINT

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

*Firstly, I would just like to clarify that I love beautiful underwear, and I think female bodies are beautiful.*

*But I believe that this advertising violates section 2.4 of the code of ethics. 'The relevant audience' in this case is my four young children, and the other children in our neighbourhood that have to pass that sign every day to walk to school. It's offensive and the problem is that it has taken away my right as a parent to sensor what they are exposed to. These images are what could contribute to bad body image in my two girls, and unrealistic shallow expectations in my two boys, and I believe I should have the choice about whether they look at this kind of thing or not.*

*I would like to the request that the posters be removed. Bendon has a great reputation and could trade on their name alone, I don't believe they have to sell sex, to sell bras.*

### THE ADVERTISER'S RESPONSE

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

*I am writing to you on behalf of Bendon in response to the recent complaint sent to me by the Advertising Standards Bureau with regards to the Bendon Outlet store which opened in Subiaco, WA at the end of April, 2016.*

*With nearly 70 years of history in the business of manufacture and retail of underwear, Bendon has prided itself on being close to our customers for life, delivering quality product from world-class brands including Heidi Klum Intimates, Stella McCartney, Bendon, Lovable, Fayreform and Davenport to our global distribution.*

*With regards to “relevant audience”, there are 26 Bendon Outlet stores nationwide which are located in high traffic flow locations with shop fronts on main roads, near train stations in and in outdoor shopping centres in locations. The locations are selected to be close to our primary target consumers and most locations have outside facing shopfronts. These shopfronts are a key communication strategy to ensure super-graphic images can be installed to showcase the product.*

*The communications blueprint for the company is to show our product “in situ” as our primary message. This is business critical because the number one customer need in purchasing underwear (particularly bras) is the product fit. The only way to effectively communicate this product functionality, product must be shown as it is intended to be worn.*

*I would like to reiterate expressly that and in no way does Bendon intend to offend, or “sell sex”. We sell beautiful, premium underwear. Additionally, Bendon in no way intends to contribute to “bad body image” in girls, and “unrealistic shallow expectations” in boys.*

*Bendon’s creative direction process for photography involves a selection of models and model poses to best show the product, and capture the essence of the brand to communicate its point of difference. This is always done in a way that captures the true-to-life visual representation of the product.*

*Product shown “in situ” is also an industry standard, as is shown on the attached with a photograph of a Victoria’s Secret shop in Melbourne Airport.*

*In summary, Bendon believes that the removal of the images is prohibitive to the communication of Bendon products and brands and we believe there is significant precedent that showing product imagery in windows both within our own stores as the industry standard with competitors.*

*Please do not hesitate to contact me should you require any further information, Bendon is open to suggestions and working with the Advertising Standards Bureau to resolve this complaint.*

## **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 complainant’s concerns that the advertisement features images of women in lingerie not appropriate for children to view and that the images encourage ‘a bad body image’ in girls.

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

The Board considered whether each of the advertisements complied with Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the complainants’ concerns that the advertisement depicts women in lingerie with a focus on their torsos and noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

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

Exploitative - purposefully debase or abuse a person for the enjoyment of others, lacking in moral, artistic or other values

Degrading – lowering in character or quality a person or group of people.

The Board noted that some members of the community could find the use of women in lingerie to be exploitative however the Board noted that the advertised product is lingerie and considered that it is not inappropriate or exploitative, of itself, for an advertiser to depict women wearing the advertised product.

The Board noted that the women are posed in a manner which is clearly intended to show the lingerie they are modelling and they are not posed in a manner that is degrading. The Board considered that the images do focus largely on the models bodies but that the relevance to the product is apparent. The Board considered that although the images could have included the full faces of the women, the relationship between the product being advertised and the images shown are not about promoting the women as objects but about the style of lingerie available to purchase in store.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 acknowledged that some members of the community would prefer that lingerie

not be advertised in this manner but considered that it is reasonable for an advertiser to show its product being worn in the intended manner.

The Board noted that the advertisement consists of three different images of women in lingerie. The Board noted that these posters are in the store window and considered that the relevant audience would be broad and would include children.

The Board noted that each image features a woman wearing lingerie. The Board noted that the lingerie fully covers each woman's breasts and genitals and considered that while the size of the images means that the level of nudity appears high in the Board's view the focus of the advertisement is the lingerie and the women are not posed in a sexualised manner.

Overall the Board acknowledged that some members of the community may be offended by images of lingerie clad women in shopping malls where children can see them. The Board also noted that advertisers are allowed to advertise the products available to purchase from within their store as long as the advertising complies with the Code. In this instance the Board considered that consistent with previous determinations in cases 0304/14, 0419/14 and 0448/15, the current advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainant's concern that the advertisement could contribute to 'bad body image' in girls.

The Board considered that the models used appear to be of healthy body weights, although choosing to use models of a smaller size is not contrary to Prevailing Community Standards on health and safety. The Board considered that advertising using small size women of itself, in the Board's view, does not make a negative inference about women who are not of the same size.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety around body weight and image.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

