



**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	<b>Case Number</b>	<b>0448/18</b>
2	<b>Advertiser</b>	<b>Honey Birdette</b>
3	<b>Product</b>	<b>Lingerie</b>
4	<b>Type of Advertisement / media</b>	<b>Poster</b>
5	<b>Date of Determination</b>	<b>24/10/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features a woman wearing black lingerie sitting behind the wheel of a convertible. The caption says "The Arrival...MARIA".

## THE COMPLAINT

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

*The product is not offensive however the suggestive sexual positions of the models depicted is more inline with the porn industry and not general*

## THE ADVERTISER'S RESPONSE

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

*Ad Standards are fully aware that we are a target. The most recent Collective Shout Campaign is evidence of this:*

*[https://www.collectiveshout.org/collective\\_shout\\_responds](https://www.collectiveshout.org/collective_shout_responds) How is it that men's*





*nipples do not warrant complaint, however a highly faded female nipple that is covered by a lace bra can now lead to sexual assault. How offensive?! No child is looking at an image of a woman in lingerie and saying 'I'm offended'. It's a frightening development for the modern woman and Ad Standards decision is one we do not agree with. We are here to empower women and we are going to continue to do so.*

## **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 featured a sexualised image of a woman that was inappropriate for a broad audience which would include children.

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

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 poster advertisement featured a woman in black lingerie sitting in a car.

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 considered the complainants' concerns that the advertisement is pornographic and too explicit for a shopping centre.

The Panel noted that the advertised product is lingerie and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

The Panel noted the underwear on the brunette model, and considered that although her underwear is very brief, the style is contemporary and her groin region is covered.

The Panel considered that the woman's nipples and genitals were covered and that the lingerie was not overly revealing.

The Panel considered that while the woman's pose in the vehicle was slightly sexualised, there was no suggestion of sexual activity.



In the Panel's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

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

