



## Case Report

1	Case Number	0505/16
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	07/12/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement consists of four pictures of two different lingerie sets. The first two images is a woman wearing floral and black lace underwear shown from the front and back. The word 'Carmen' is written in white text outlined in red on both front and back images. Underneath is the caption 'Get lucky at honeybirdette.com'. The last two images are of the woman wearing black underwear with small straps and buckles. In the first image she has her hands behind her head pulling back her hair. In the second image one hand is tucking hair behind her ear while the other is by her side. The word 'Jagger' is written in white text outlined in red on both images. Underneath is the caption 'Get lucky at honeybirdette.com'.

### THE COMPLAINT

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

*I am offended by the nature of the images, I don't want to see these images when shopping and I especially do not want my children to see these images. The images create highly sexualised images of women which I would imagine when teenage girls see these images they see it as something they need to adopt.*

*I had my young sons with me when I walked passed this shop. I don't wish my sons to see*

*images like this nor do I want my young niece's think that it is acceptable to be depicted this way so publicly. Images like that should be for the inside of the shop. I feel that there is such a problem with the over sexualisation of young girls right now and these very public images in front of young children just contribute to the problem.*

*It's public nudity, derogatory and insensitive to females, in an all age major shopping centre, where at this time of year, everyone is shopping. They should advertise men as well then in see through underwear. You have to agree, that over the last many decades we have become desensitised to things that should shock us.*

*The image is shocking, confronting and is humiliating for women. Something that should be seen in private. The innocent are forced to see this image as they shop as its right next to Myer.*

*Too sexually explicit. It is next to a family food court. Inappropriate to have an uncensored sex toy shop advertising in a shopping mall.*

*These photos are displaying to the patrons at the Galleria Food court - which is a family eating area. Specifically outside 2 ice-cream parlours which are patronised by children.*

## **THE ADVERTISER'S RESPONSE**

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

*We are very sensitive to the views of our customers and greatly appreciate this feedback.*

*The style on the poster is our current selling range and our stores are all about making women feel safe and sophisticated.*

*We are chain for woman, by woman. 95% of our 130,000 plus customers are women.*

*I believe in increasing women's power in society.*

*Please be assured that we put a lot of time and effort into to ensuring that it is not offensive whilst also representative of our brand. We also focus test it with a wide range of friends and family to ensure it is sophisticated.*

*I hope this helps you understand that to market and advertise lingerie, a certain level of skin needs to be exposed, however we do this in a way that empowers woman rather than demean them.*

*I welcome your feedback and hope you have a lovely week!*

## **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 complainants' concerns that the advertisement was overly sexualised for a public medium.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this advertisement consisted of four window posters. The Board noted:

- Image one showed a woman wearing the floral and lace 'Carmen' underwear from the front
- Image two showed a woman wearing the floral and lace 'Carmen' underwear from behind
- Image three showed a woman wearing the black 'Jagger' underwear with small straps and buckles. She has her hands behind her head pulling back her hair
- Image four showed a woman wearing the black 'Jagger' underwear with small straps and buckles. She is tucking her hair behind her ear and looking down.

The Board noted it has consistently determined that it is not inappropriate for advertisers to feature the product being sold in its advertising. The Board considered that showing a woman in lingerie, to promote a store which primarily sells woman's lingerie, is acceptable advertising.

The Board noted the definitions provided in the Practice Note:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule

The Board considered that the woman looked happy and in control and was promoting the lingerie she was wearing. The Board considered that the portrayal of the woman was positive and did not show the woman being discriminated against or vilified.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 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 noted that these posters appeared in store windows and were likely to be seen by a broad audience, which would include children.

The Board considered each advertisement separately.

A minority of the Board considered that image 1 was overly sexual and there was a suggestion that the woman's nipple was visible through the black lace.

The majority of the Board however considered that the image was only mildly sexual and the

woman was appropriately covered. The majority of the Board considered that the image was not inappropriate for a broad audience which would include children.

The Board considered image 2. The Board noted the pose of the woman looking over her shoulder. A minority of the Board considered that the lace underwear did not appropriately cover the woman's bottom and that the focus of the advertisement was on the woman's body, not the underwear, and the pose of the woman was sexualised and not appropriate for a broad audience which would include children.

The majority of the Board however considered that the underwear did appropriately cover the woman and that the focus of the advertisement was to show the back of the lingerie and that in this context the image was not overly sexualised and would be appropriate for a broad audience.

The Board then considered images 3 and 4. The Board noted that the lingerie depicted in these posters was black and featured multiple straps and buckles.

The minority of the Board considered that the lingerie depicted in the posters was overly sexualised with the straps and buckles suggestive of bondage. The minority of the Board considered that this style of lingerie was not appropriate for a broad audience which would include children.

The majority of the Board however considered that the lingerie appropriately covered the woman. The majority of the Board considered that the focus was on the lingerie not on the woman, and considered it is appropriate for advertising to feature the product being sold.

The Board considered that the advertisement did not depict sex, sexuality and nudity 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 complaints.