



Case Report

1	Case Number	0515/17
2	Advertiser	Westfield Group
3	Product	Lingerie
4	Type of Advertisement / media	Internet
5	Date of Determination	06/12/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

There are 10 pages of highly sexualised images of women promoting not just lingerie but sexual 'bondage' accessories like handcuffs, paddles, whips, bondage kits, 'tie me' tape, bridles, harnesses.

THE COMPLAINT

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

I object to a shopping mall advertising Honey Birdette's products on Westfield's public website. There are 10 pages of highly sexualised images of women promoting not just lingerie but sexual 'bondage' accessories like handcuffs, paddles, whips, bondage kits, 'tie me' tape, bridles, harnesses and more. The store also sells sex toys and other adult products that should not be available in a family shopping centre. I am offended that this objectifying and violent material can be easily accessed on Westfield's website, and that these products are available in a shopping mall at all.

This website breaches the code of advertising and marketing to children in that marketing 2.4 must not employ sexual appeal and 2.5 must not include sexual imagery in contravention of prevailing community standards. It also breaches the code of ethics 2.2 in which Advertising or Marketing Communications shall not employ sexual appeal (b) in a manner which is exploitative and degrading of any individual or group of people and 2.3 Advertising or

Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised and 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. People of any age can easily access ads of the Westfield stores and products, and it is harmful to all in our society to be 'normalising' violence and sexualisation, especially children. As a mother of four children, I'm appalled that I have to complain about such things. Why is there no filter or screening process in place so that products and images like Honey Birdette's are restricted from entering public places? I'm disgusted that Westfield allows a sex shop to be present in their mall, as they have a corporate social responsibility to the community.

THE ADVERTISER'S RESPONSE

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

The third party content is from one of our retailers, Honey Birdette, and is pulled through from their site to the Westfield Belconnen Searchable Mall.

The Westfield Searchable Mall is an online platform that pulls product/content from over 200 retailer websites, allowing customers to search for products in one place ahead of shopping in-centre.

Ahead of being published on the Westfield Searchable Mall, Honey Birdette content is filtered twice through a series of key words. The first filter removes certain products via search terms, ensuring they don't pull through to the Westfield site. The second search filter then censors the image of a number of products.

Comprehensive comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes)

- The content in question is from a third party retailer and goes through two filters ahead of being published on Westfield's Searchable Mall*
- The first filter removes certain products, while the second applies an image filter*
- Content lives in the product pages of the Westfield Searchable Mall, with a user needing to click at least three times before landing on Honey Birdette's product pages*
- There are no drivers pushing people to the Honey Birdette Searchable Mall page, this would need to be specifically searched for*

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code) or the AANA Code of Ethics ("the Code").

The Board noted the complainant's concerns that the advertisement is easily accessible, contains sexualised images and could be viewed by children.

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

The Board considered whether the Children's Code applied.

The Board considered the definition of advertising or marketing communication. Under the Children's Code, Advertising or Marketing Communications to Children means "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product." The Board noted that Children are defined as "...persons 14 years old or younger" and Product is defined as "...goods, services and/or facilities which are targeted toward and have principal appeal to Children."

The Board noted the website features images of women in lingerie and other products such as paddles and handcuffs which are available for purchase in store. The images are displayed in individual boxes and some boxes are blacked out with the words "adult product click for details."

The Board considered whether the advertisement is directed primarily to children (14 years or younger). The Board noted the practice note to the Code which states that whether an advertisement or marketing communication is "directed primarily to children" is an objective test based on several factors including, but not limited to the combination of visual techniques, product and age of characters and actors, the nature of the product or service and the theme of the marketing. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication "directed primarily to children."

The Board noted that the dictionary definition of "primarily" is "in the first place" and that to be within the Children's Code the Board must find that the advertisement is aimed in the first instance at children.

The Board considered the theme, visuals and language of the website and the images overall and noted that the images are of adult women in lingerie and that the style of lingerie and the poses of the women are typical of the type of images used by this particular store and by lingerie advertisers generally. The Board noted that the Westfield website and the 'sleepwear and lingerie' section of the site in particular was not an area of the website that was of particular interest or appeal to children. The Board noted that the advertiser had taken measures of blacking out some of the boxes and including the words "adult product" so that particular product was not seen immediately by the viewer.

Based on the above factors, the Board considered that the advertisement was not of appeal to children and was not directed primarily to children.

The Board then considered whether the advertisement meets the definition of Product. The Board noted the advertised product is lingerie. In the Board's view, the nature of the product, being something that is worn by adults meant that the advertisement is not for a product targeted towards, or of principal appeal to children.

Finding that the advertisement is not directed primarily to Children and is not a Product for children, the Board considered the Children's Code did not apply.

The Board then noted the complainant's concerns that the advertisement is objectifying women.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people, who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that in order to breach this Section of the Code the advertisement would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted this website promotion is for Honey Birdette – a lingerie shop.

The Board noted that the lingerie is available for purchase in store and that it is reasonable to expect the advertiser to use available product in the advertising for that store.

The Board noted that the product is for women and that the styling and colours used are consistent with the types of lingerie which is aimed at the female market. The Board noted that not all images of women who are scantily clad will be unacceptable under this section of the Code.

The Board acknowledged that some members of the community may find the use of women in lingerie to be exploitative but the Board considered that in the context of a lingerie advertisement it is not exploitative to use such images and in the Board’s view the manner in which the women are depicted is not degrading to these woman or to women in general.

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 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 determined that the website should be assessed in its promotion overall all rather than an individual assessment of each image against Section 2.4 of the Code.

The Board noted that to gain access to the images there were several steps or search queries that needed to be used to locate the particular images and products. The Board noted the advertiser’s response that “the Westfield searchable mall is an online platform that pulls product/content from over 200 retailer websites, allowing customers to search for products in one place ahead of shopping in-centre.” The Board noted that Honey Birdette is just one of the stores available via this website portal.

The Board noted that it had dismissed poster images for the same advertiser (338/16, 381/16, 505/16) where women were shown posing in lingerie displayed in the store windows.

In the above cases the Board considered that “...the style of lingerie worn by the woman in the advertisement is sexy but considered that the woman’s private areas are fully covered and in the context of an advertisement for women’s lingerie the advertisement is not inappropriate and does treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.”

In the current case, the Board agreed that the style of lingerie worn and the poses of the women are sexualised and in some images there is significant exposure of cleavage and bottom. The Board considered however, that in the context of a lingerie shop and considering the medium of the Westfield website, the images treated sex and sexuality with sensitivity to the relevant audience and did not breach section 2.4 of the Code.

Finding that the advertisement did not breach the Children's Code or the Code of Ethics on any other grounds, the Board dismissed the complaint.