



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0544/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Honey Birdette</b>
<b>3</b>	<b>Product</b>	<b>Lingerie</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>18/01/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

There are 4 images under complaint:

1. A woman wearing a nude bra with black detailing and flowers.
2. A woman wearing a nude bra with red detailing and straps and matching knickers. The text reads, "Fill my stockings"
3. A woman wearing a red body stocking which is split from her neck to her stomach revealing a narrow strip of naked flesh between her bust. The text reads, "Unwrap me!"
4. A woman wearing red lingerie leaning against two soldiers wearing Guardsmen uniforms. The text reads, "Been an awful Good girl".

## THE COMPLAINT

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

*This image showed the woman's nipples. I contacted Westfield management with no reply. I find it highly inappropriate to be shopping for Christmas presents with my children and for them to see an oversized print of a woman with a see through bra on showing her nipples. How is this appropriate for a shopping centre?*

*Women are sick of being objectified. Women who shop in the centres in the lead up to Christmas should not be subjected to men's provoked thinking about taking off their clothes. Children who are thinking about unwrapping presents will be drawn to the wording and be disturbed or sexualised in their thinking.*

*There are two very large posters of women wearing see through bras prominently displayed in the shop window. I can see the woman's nipples. This is pornography, accessible and on display in a place frequented by minors.*

*Nipples are seen through the bra.*

## **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 styles on the posters are attached below and is the styles that we are selling and not overtly sexualised and is actually one of our more conservative campaigns. We are a lingerie brand and in order to sell the items we need to be able to advertise the garments on the body like any other fashion retailer.*

*As a retailer we have no say in where a temporary tenant will go like the Santa installation. It's not overly ideal for us either.*

*"Fill my stocking" and "I've been an angel all year" are common tagline used by a multitude of retailers at Xmas time and are actually from the very popular Christmas Carol, Santa Baby.*

*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.*

## **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 is overly sexualised and contains nudity and is inappropriate for viewing by a broad audience that would include children.

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 poster advertisement features four different images:

Image 1 features a woman wearing a nude bra with black detailing and flowers.

Image 2 features a woman wearing a nude bra with red detailing and straps and matching knickers. The text reads, "Fill my stocking".

Image 3 features a woman wearing a red body stocking which is split from her neck to her stomach revealing a narrow strip of naked flesh between her breasts. The text reads, "Unwrap me!"

Image 4 features a woman wearing red lingerie leaning against two soldiers wearing Guardsmen uniforms. The text reads, "Been an awful Good girl".

The Board noted that the poses of the models in each version of the advertisements is in keeping with typical lingerie advertising and considered that it is not inappropriate for an advertiser to depict women wearing the advertised product. The Board also considered that in the context of a lingerie advertisement, a depiction of women wearing this lingerie is not of itself a depiction which discriminates against or vilifies women.

The Board acknowledged that some members of the community would find a depiction of a woman in lingerie to be disrespectful but considered that the overall impression of the advertisement does not present women in an inferior position or in a manner that is ridiculing or humiliating.

Consistent with previous determinations for similar complaints against the same advertiser in cases 0338/16 and 0381/16, the Board considered that the advertisements 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 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 in a manner which is exploitative and degrading of any individual or group of people."

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 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 that in each version of the advertisement the woman is facing the camera and her full head and torso is shown. The Board acknowledged that some members of the community may find the use of a woman 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 noted version 3 of the advertisement features text reading, "Unwrap me!" The Board noted that the woman in this image is in the act of unwrapping a present and that the lacy body suit she is wearing has a bow in the middle. The Board considered that this advertisement does suggest that the woman is the present to be unwrapped and considered that this suggestion is degrading. The Board noted however that there is a man in the image, dressed as a Guardsman, and the text also says "Gift packs for him & her" and considered that in the context of a Christmas promotion for lingerie gift packs it is not exploitative to show a woman in lingerie unwrapping a gift. The Board considered that the advertisement was degrading to women, but not exploitative to women, and therefore did not breach the provisions of Section 2.2.

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 noted version 1 of the advertisement which features a woman wearing a nude bra with black detailing and flowers. The Board noted that the lingerie in this image is sheer and the whole of the woman's breasts, as well as her nipples, are clearly outlined. The Board noted the Practice Note to Section 2.4 of the Code which provides: "Full frontal nudity...is not permitted...Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits..." The Board noted that while nipples may be acceptable in some circumstances, depending on the overall impact and relevant audience, the Board considered that in the context of a lingerie advertisement in a store window a depiction of nipples is not appropriate and does not meet the provisions of the Code. The Board noted that the woman's briefs are also sheer with black detailing and considered that the overall impression is that there is a high level of flesh on display. The Board noted that it is reasonable for an advertiser to display the products they sell in their advertising but considered that in this instance the eye is drawn to the woman's breasts and the style of lingerie is more risqué than the usual style of lingerie advertised in store windows. The Board considered that this image of a woman in lingerie with her nipples visible through the bra and the full outline of the breasts highlighted by the detailing on the bra is not an appropriate image for a broad audience of a shopping

mall which would include children. The Board considered that this version of the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board noted version 2 of the advertisement which features a woman wearing a nude bra with red detailing and straps and matching knickers. The text reads, "Fill my stocking". The Board noted that while the lingerie in this version of the advertisement is sheer with lace detailing in the Board's view the level of exposed flesh is not as high as in version 1 of the advertisement: the woman's breasts appear to be more covered, her nipples are not obvious, and the angle of the woman's pose means her breasts are not as prominently on display. The Board noted that the briefs the woman is wearing are larger than in version 1 and the positioning of the woman's arms means her groin is more covered and considered that the level of nudity is in keeping with how lingerie is normally advertised. The Board noted the pose of the woman and considered that although the lingerie is sexy the pose is not sexualised. The Board noted the text reads, "Fill my stocking" and considered that in the context of a Christmas promotion the reference to filling stockings was not inappropriate. The Board acknowledged that some members of the community could find the phrase "Fill my stocking" to have a sexualised meaning but considered that references to stockings are common at Christmas and children would not understand any double entendre, whether intended or not. The Board considered that this version of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board noted version 3 of the advertisement which features a woman wearing a red body stocking which is split from her neck to her stomach revealing a narrow strip of naked flesh between her breasts. The text reads, "Unwrap me!" The Board noted that the woman's nipples are visible through the lacy material of the body suit and considered that consistent with its consideration of version 1 of the advertisement, this level of nudity is not appropriate for a broad audience which would include children. The Board noted that the woman's body suit is high cut around the groin and considered that the level of exposed area and the hint of shadowing around the woman's crotch is too revealing for a broad audience. The Board noted that the accompanying text reads, "Unwrap me!" and considered that this phrase in conjunction of an image of a woman wearing a lacy body suit which reveals her nipples and a large portion of her groin amounts to an overall depiction which does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board noted version 4 of the advertisement which features a woman wearing red lingerie leaning against two soldiers wearing Guardsmen uniforms. The text reads, "Been an awful Good girl". The Board noted that the bra the woman is wearing is not sheer and covers most of the woman's breasts including her nipples and considered that the level of nudity was mild and consistent with how lingerie is advertised. The Board noted the woman's corset-style briefs and considered that most of her lower stomach and groin is covered and the level of nudity is mild. The Board noted the pose of the woman and considered that although her lingerie is sexy her pose is not sexualised and the two men either side of her are not looking at her body or lingerie. The Board noted the text reads, "Been an awful Good girl" and considered that this phrase is not sexualised or inappropriate in the context of the advertised product or the placement of the advertisement in a store window. The Board considered that this version of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

Overall, the Board considered that versions 1 and 3 of the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that they did breach Section 2.4 of the Code.

Finding that versions 1 and 3 of the advertisement did breach Section 2.4 of the Code, the Board upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

As soon as we realised the digital signage was edited and flipped for no exposure.

It did not suit us either and was missed by the graphics team in a smaller format on their PC. I have discussed this with them.

The images are no longer up.