

Case Report

1. Case Number :	0134-25
2. Advertiser :	Woolworths Group Limited
3. Product :	Retail
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Decision:	18-Jun-2025
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

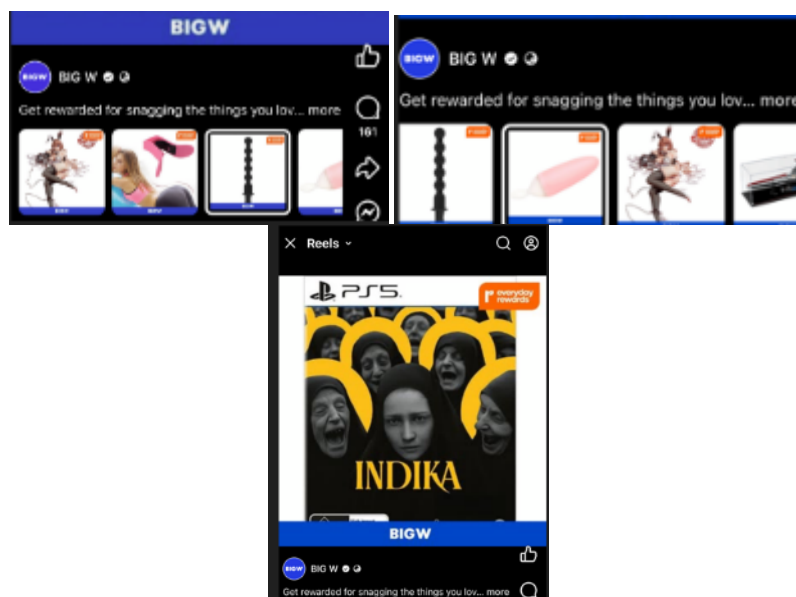
AANA Code of Ethics\2.2 Exploitative or Degrading

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This sponsored Facebook advertisement features multiple products for sale, including:

- a figurine of a woman in lingerie and bunny ears reclining
- a hip trainer which shows an image of the product and a woman in exercise clothes leaning forward onto an exercise ball
- a hair styling wand
- a baby spoon
- the PS5 game 'Indika'



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

Big W add sexual, and racist and misogynistic. I also sent message to big w with no reply.

THE ADVERTISER'S RESPONSE

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

Woolworths Group Limited trading as BIG W ("BIG W") is grateful for the opportunity to provide comments to the Community Panel for consideration. We also thank the Case Team for granting us an extension on this response.

Description of the Advertisement

The Advertisement the complainant received on or around 29 May 2025 contained the following products (listed in the approximate order they appear in the small tiles in Annexure 1): 1) a female character figurine from the game 'Houchi Shoujo'; 2) a lower body exercise device; 3) a hair styling wand attachment; 4) a baby food dispensing spoon; 5) a LEGO display case; 6) a tantra (adult) chair; 7) the 'Indika' video game; and 8) a latex costume mask.

The Advertisement was a sponsored Facebook advertisement featuring a dynamic selection of products. There is a carousel of product tiles situated below a larger, primary display which rotates through images of each product. The images used in each tile are pulled directly from the product listings via BIG W Market and bear BIG W and Everyday Rewards branding.

This type of sponsored Facebook advertising is part of a campaign which uses a product feed to uniquely display targeted BIG W Market products for a specific user over the age of 18, based on products or types of products that the user has previously viewed or searched. To be clear, none of these products are displayed to users who are under 18 years old, or users who have not previously searched for similar types of products. None of these products can be purchased in a BIG W store or appear in any BIG W catalogues.

Issues raised in the Complaint

The complainant alleges the Advertisement is "sexual, and racist and misogynistic" [sic].

BIG W's Response

BIG W takes advertising complaints seriously, however in this case, BIG W respectfully denies the allegations and submits that the Advertisement does not breach any part of Section 2 of the AANA Code of Ethics ("the Code").

Through its marketplace offering with BIG W Market, BIG W advertises a wide variety of general merchandise products on its website, however the product listings are uploaded by third party sellers, and the products are also sold and shipped to customers by the third party sellers. BIG W provides clear written guidelines to all third party sellers on product eligibility. A high degree of audience control (e.g. 18+) and spot checks are also utilised as additional layers of compliance with the Code.

We have considered the Complaint in relation to each product image that appeared in the Advertisement. As requested, we have also prepared our response with reference to each part of Section 2 of the Code, and based our view on the probable understanding of a "reasonable person", which we understand is the Panel's approach in assessing advertisements.

In respect of section 2.1 of the Code and the Complaint's allegation that the Advertisement is "racist", BIG W submits that the Advertisement does not portray people or depict material which discriminates against or vilifies a person or section of the community on account of race, nationality, religion, political belief or any other attribute under section 2.1.

While the cover art for the video game 'Indika' depicts various older nuns laughing at a younger nun, the iconography is thematic and serves to establish the fictional narrative of the game, without creating a negative impression of, or inciting hatred, contempt or ridicule against, younger people, Christians, Christian beliefs, nuns, or any racial group. Religious themes would be understood by a reasonable person receiving an advertisement for an R18+ rated video game, and as previously mentioned, this game is only advertised to users over the age of 18.

The latex costume mask is intended to be a satirical caricature of the Russian political figure, Vladimir Putin, and is not a generic representation of all Russian people or any other national, racial or ethnic group. While the mask may represent a form of political satire in depicting an exaggerated likeness of the globally prominent political leader, it does not go so far as to vilify Mr Putin or Russian people based on race, nationality or political belief. We note previous Panel decisions have treated vilification as bearing a high threshold, and non-vilifying political satire as generally acceptable.

In respect of section 2.2 of the Code and the Complaint's allegation that the Advertisement is "misogynistic", BIG W submits that the Advertisement does not employ sexual appeal in a manner which is exploitative or degrading of women. The exercise device featured in the Advertisement is a fitness product designed to target multiple areas of the lower body, including the hips, thighs and buttocks.

Additional images on the product's listing show that there are various ways to properly use the device, including in the position employed by the model in the Advertisement. The model is of an appropriate age and is wearing a common style of active wear. While there is emphasis on the model's lower body, this is relevant to depicting the product's intended use as a lower body muscle exerciser. The depiction is functional and instructive, and is not passive, exploitative or demeaning in nature. The character figurine originates from an M-rated smartphone game in the fantasy genre. This fantasy game has resulted in the creation of associated merchandise - this adult only figurine being one of them. The depiction is a faithful representation of a fictional character in a mature-aged game, and is not dissimilar to other Japanese video game characters in terms of styling and exaggerated features. We note that advertisements previously found in breach by the Panel tend to objectify real women, however this figurine is clearly not a depiction of a real woman. In addition, this product is only advertised to a niche audience over the age of 18 with a pre-existing interest in similar products, given the targeted nature of the Advertisement. We submit that a reasonable person, viewing the Advertisement in its proper context, would not arrive at the interpretations advanced by the complainant.

In respect of section 2.4 of the Code and the Complaint's allegation that the Advertisement is "sexual", BIG W submits the following:

In relation to the exercise device, the Code's Practice Note on section 2.4 states that "overtly sexual depictions where the depiction is not relevant to the product or service being advertised" are likely to be unacceptable, however that is not the case here. The image depicts a woman modelling the product's intended use, which is explicitly designed to exercise the hip, thigh and buttock muscles. The depiction, including the woman's attire and pose, are appropriate for the fitness context and directly relevant to the product being advertised.

Section 2.4 requires treatment of sex, sexuality and nudity with sensitivity to the relevant audience. As previously stated, the Advertisement is a sponsored advertisement targeted to users who had previously viewed similar products, and in any event would only appear for users over 18. As a result, while the character figurine and the tantra chair may be sexual in nature, these products are only being advertised to a mature adult audience who have shown interest in these specific products or categories. While the product images may make some viewers uncomfortable, we confirm that the Advertisement has been subject to a high degree of audience control and treats the subject matter with the appropriate level of sensitivity.

We note the Advertisement also includes a black, ribbed hair styling wand attachment, and a pink silicone baby spoon. These products, though bearing a passing resemblance to adult toys, are not sexual in nature despite the collective impression that may be created by the dynamic selection of products in the Advertisement. They do not raise any concerns under section 2.4 of the Code or otherwise.

BIG W submits that the Advertisement is not in breach of any other section of the Code as it does not portray violence (section 2.3), does not use inappropriate language (section 2.5), does not depict material contrary to Prevailing Community Standards on health and safety (section 2.6) and because the Advertisement is clearly distinguishable as advertising (section 2.7). The remaining product displayed in the Advertisement which has not been mentioned above does not engage any sections under the Code, being the acrylic LEGO display case.

Conclusion

For the reasons set out above, BIG W believes that the Advertisement is not inconsistent with the AANA Code of Ethics and respectfully asks that the Complaint be dismissed on the basis that it does not breach the Code or any other advertising codes.

THE DECISION

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 is:

- discriminatory on the basis of race
- degrading of women
- inappropriately sexual

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

Section 2.1: Advertising 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 orientation, religion, disability, mental illness or political belief.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

- *Discrimination – unfair or less favourable treatment.*
- *Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.*
- *Race – viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin*

The Panel considered that the advertisement included an image of the PS5 game Indika. The image on the game features older nuns laughing at a younger nun. The Panel considered that it was reasonable to show a picture of a product in advertising it, and there was nothing in the picture which depicts anyone receiving unfair or less favourable treatment on the basis of race. The Panel also considered the advertisement does not humiliate, intimidate, incite hatred, contempt or ridicule of a person or group of people on the basis of race.

Section 2.1 conclusion

The Panel found that the advertisement did/ did not breach Section 2.1 of the Code.

Section 2.2: Advertising shall not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

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

- *Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.*
- *Degrading – lowering in character or quality a person or group of people.*

Does the advertisement use sexual appeal?

The Panel noted that the images of the spoon, the hair curling wand, and the PS5 game do not include sexual appeal.

The Panel considered that the image of the hip trainer includes a focus on the woman's buttocks and this includes sexual appeal.

The Panel considered the image of the figurine of a game character and noted that the figurine was wearing sexualised clothing and this image also contained sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel considered that the focus on the woman's buttocks was relevant to the promotion of the hip trainer. The Panel considered that the woman was not depicted as an object or commodity.

The Panel considered that the image of the figurine was the product being promoted, and the depiction was appropriate in promoting this product.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of the woman.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that neither image lowers women in character or quality.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is degrading to the woman.

Section 2.2 conclusion

The Panel concluded that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained a depiction of sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that none of the images contain depictions of sexual behaviour or sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the images of the figurine and the hip trainer contain sexualised images of women, and contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the figurine of the game character is wearing lingerie and this is a depiction of partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel noted that assessing whether sexual suggestion is ‘sensitive to the relevant audience’ requires consideration of who the relevant audience is and how they are likely to react to or feel about the advertisement.

The Panel noted that the advertisement appeared on Facebook and was targeted towards people over 18. The Panel considered the sexuality and nudity in the advertisement was mild and treated with sensitivity to the relevant adult audience.

Section 2.4 conclusion

The Panel found that the advertisement did not breach Section 2.4 of the Code.

Conclusion

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