



Ad Standards Community Panel
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Advertising Standards Bureau Limited
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Case Report

1	Case Number	0073/19
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	20/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a woman in white lace lingerie sitting down. The text accompanying the image is 'London Calling SIENNA'

THE COMPLAINT

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

The huge posters in the store's windows depict women in underwear resembling bondage wear, and in poses which suggest stills from a porn movie. It exposes minors to inappropriate marketing by using highly sexual images. The depiction of women in underwear resembling bondage wear and the poses the models have been asked to take, resemble porn-style images. The way the women are depicted is extremely demeaning to women and entirely unsuitable for a shopping centre frequented by families (the store's image is on par with an adult sex toys shop, which would not be allowed to exist in a family shopping centre). Section 2.4 of the Advertising Standards Code states that "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience" and I object to the posters in the window displays on that basis.



They expose minors to inappropriate marketing by using highly sexual images. In addition, the text used in the posters suggests that the women are sex workers, taking phone calls from clients. This again, is inappropriate marketing given the number of young children exposed to the images and text while shopping at the Northland Shopping Centre.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 is objectifying of the model and was inappropriate for viewing by a broad audience which would include children..

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel 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 or degrading of any individual or group of people."

The Panel noted the complainants' concern that the advertisement is objectifying of the model and suggests that she is a sex worker.

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 first considered whether the advertisement used sexual appeal.

The Panel noted the poster advertisement featured a woman in white lace lingerie and white stockings sitting in the backseat of a car. The words 'London Calling SIENNA' appear on the ad along with an illustration of Big Ben.

The Panel considered that the depiction of a woman in lace lingerie with stockings and suspenders is one which most people would consider to contain sexual appeal.



The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an 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.

The minority of the Panel considered the depiction of a woman in underwear in the back of the car in association with the words ‘London Calling’ was associated with a call-girl style fantasy and was suggesting the woman was a commodity.

The majority of the Panel considered that the model in the advertisement was depicted sitting in a taxi in a position that was a natural seating position – other than only wearing lingerie. The majority of the Panel considered that the woman was not depicted as an object or commodity and that the focus of the advertisement was on the style of lingerie being sold, and not on the woman’s body parts.

The Panel considered that the depiction of the model and the accompanying text did not lower the character or quality of the model and did not degrade the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel 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 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 noted the complainant’s concerns that the advertisement contains a highly-sexualised, porn-style image that is not appropriate for an audience which would include children.

The Panel noted the pose of the woman and considered that she was sitting in the back of a car with her knees together, leaning slightly forward and looking away from the camera. The Panel considered that her pose was not sexualised and that the focus



of the advertisement was the lingerie being promoted.

The Panel then considered whether the advertisement contained nudity which would not be appropriate for the relevant audience. The Panel noted that the outline of the woman's nipples can be seen through the white lace bra.

The Panel considered the Practice Note for the Code provides:

"Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example."

A minority of the Panel considered that this level of nudity would not be considered appropriate by most members of the community, and that the depiction of the outline of nipples in advertising does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted that they have previously considered a similar advertisement for the same advertiser in case 0543/18, in which:

"The Panel noted that the woman was wearing blue lace underwear and that her genitals are covered. The Panel noted that the outline of one of the woman's nipples is visible through the lace underwear. The Panel considered that the woman's nipple was visible due to the style of the lingerie, but was mostly covered by the lace feature and was not a significant focus of the advertisement. The Panel considered that the woman's breasts are not fully exposed and that the visible outline of a nipple was not inappropriate in the context of the product being advertised."

Similar to case 0543/18, the majority of the Panel considered that the woman's breasts were not fully exposed and that the outline of the woman's nipples was not inappropriate given that the product advertised was a white lace bra with cut-outs. The majority of the Panel considered that the woman's nipples were not the focus of the advertisement and were not immediately apparent when viewing the advertisement. The majority of the Panel considered that the woman's white lace stockings added to the effect that the woman was appropriately covered and considered that the level of nudity in the advertisement was not inappropriate for viewing by a broad audience which would include children.

The Panel determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaints.

