



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0142/19
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	22/05/2019
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Body Image

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement titled "Lyndi" features a woman in a red lace/sheer black bodysuit.

THE COMPLAINT

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

Image is sexualised and resembles porn. It does not belong on public display. It is illegal to display this type imagery in all other avenues of public life (as per the Sex Discrimination Act) because it verifiably causes harm. Placing a product name on the image and calling it an ad cannot stop the harm.



I believe that there is no need for a woman's nipples to be obviously shown in a marketing campaign, the shop is located in a very central part of the shops and I think it is inappropriate for it to be shown through their front window. As a parent I wouldn't want my sons or daughters to have to see women's nipples while they are walking around a very public shopping centre, Also for teenage boys this also creates an unrealistic view on women which can be very damaging to their mind and relationships. I understand that this shop sells lingerie and that's fine, but having half naked women with their nipples on show is most definitely not needed.

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 highly sexualised, resembles porn and is inappropriate for public viewing.

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

The Panel noted that the advertisement featured an image of a woman standing with her hands on her hips in a sheer black bodysuit with red lace detailing around the bodice. The text 'London calling LYNDL' is at the bottom of the poster.

The Panel 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 the complainant's concerns that the advertisement is highly sexualised and inappropriate for a broad audience.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the image contains an image of a woman standing with her hands on her hips in a sheer black bodysuit with red lace detailing around the bodice.



The Panel considered whether the image depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction a woman in revealing lingerie is not a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement did not feature or allude to sex.

The Panel considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel considered that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction must not be gratuitous and should be treated with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’ (<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears in store windows and considered that the relevant audience includes retail workers, people shopping in the Honey Birdette store and people who are not shopping at Honey Birdette but who are walking past the store, and that this last group would include children.



The Panel considered that while the style of the lingerie is sexualised, the woman's pose is confident and not inherently sexually suggestive. The Panel considered that there is no sexualised wording on the advertisement. The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by people shopping in the centre, especially those with young children, however in this instance the Panel considered that there was no sexual messaging or themes in the advertisement which would make it confronting for these audiences. The Panel considered that young children would be unlikely to view this advertisement as sexually suggestive, and the most likely interpretation by this audience would be of a woman standing in her underwear. The Panel considered that the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel then considered whether the advertisement treated the issue of nudity with sensitivity to the relevant audience.

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."

The Panel noted that the bodysuit worn by the woman in the advertisement was sheer and that her nipples, bellybutton and vulva could be seen through the fabric.

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 Panel considered that in this instance 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 sheer body suit and that the woman's nipples were partially obscured by the red lace detailing. 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 Panel considered that the cut and lines of the bodysuit in the advertisement would draw the viewer's eyes towards the woman's genitals. The Panel noted that the



bodysuit featured a very high-cut brief and that the fabric covering the woman's genitals was sheer. The Panel considered that shading visible through the sheer fabric gave the appearance that the woman's labia are visible and that she has no pubic hair. The Panel considered that the visibility of the woman's nipples and belly button through the fabric added to the impression that the shadowing in this area was indicative of the woman's vulva being visible. The Panel considered that most people in the community, including those who would view this advertisement, would find it confronting for an advertisement to feature images of genitals in advertising, even when these depictions are obscured by sheer fabric. The Panel noted the advice in the practice note that images of genitalia are not acceptable in advertisements, and considered that the advertisement did not treat the issue of nudity with sensitivity to the relevant audience.

On this basis, the Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the Practice Note for Section 2.6 Provides:

"Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices."

The Panel considered that the woman's leg and genital area appears to have been photoshopped in order to portray a 'thigh-gap', however considered that this impression may have also been created by the way the woman is standing and would not necessarily be unrealistic or unattainable for women of a certain body type through healthy practices.

The Panel considered whether the depiction of the woman's vulva was portraying shapes or features that would be unattainable through healthy practices. The Panel acknowledged that some members of the community would prefer for women to be depicted with natural pubic hair, however considered that bikini waxing, laser treatment or shaving are common practices and are not in themselves considered unhealthy or unattainable. The Panel considered the detail of the woman's labia are obscured by the sheer fabric and their appearance is unclear, however considered that some women would naturally have labia which could be concealed within the narrow fabric and this depiction does not amount to an unrealistic body image.

The Panel considered that the advertisement did not portray a woman with an



unrealistic or unattainable body shape and that the advertisement did not depict material contrary to prevailing community standards on health. The Panel considered that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement breached 2.4 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Due to the fast fashion nature of our business the artwork in our windows are changed on a regular basis. This image was removed weeks ago.