



Case Report

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| 1 | Case Number | 0347/14 |
| 2 | Advertiser | Myer Pty Ltd |
| 3 | Product | Lingerie |
| 4 | Type of Advertisement / media | Poster |
| 5 | Date of Determination | 10/09/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The poster features international fashion and style icon, Ms Dita Von Teese, alongside another model, wearing lingerie from the most recent Dita Von Teese collection. Dita is wearing a black bra and underwear with matching suspenders along with black elbow length gloves. The model is wearing a black bra and underwear along with a jacket straddling the shoulders and black elbow length gloves. The advertisement contains a Dita Von Teese and Myer logo at the bottom.

THE COMPLAINT

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

While the ad is advertising a product available at Myer, this is a highly sexualised image. The model in front is known for being a stripper and has her own lingerie range on this basis. The imagery is similar to what would be found in an adult shop or pornography, where the audience is restricted to adults only. The models are posed in a submissive way, looking down and away from the camera or staring blankly.

This image was placed in a free standing 'OOH!' structure in the food court of Westfield Carindale shopping centre. Presumably Myer wants to market sex industry inspired lingerie to the whole family while they're eating their happy meals.

A second stand was also seen on another floor of Carindale Shopping Centre. I assume there are more.

THE ADVERTISER'S RESPONSE

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

Dita Von Teese (Dita) is an international fashion and style icon, and has appeared on a number of best-dressed lists and modelled in several catwalks. The fashion icon also happens to be considered one of the world's greatest burlesque artists, and is admired by designers and media personalities alike.

Burlesque acts are an artistry which place emphasis on style and are sexy rather than sexual. As such, it is important to note that there is a distinct difference between a burlesque dancer and a stripper.

Myer and the supplier, DCI Corporation (DCI), disagrees with the claims made by the complainant that the 'imagery is similar to what would be found in an adult shop or pornography' and that the 'models are posed in a submissive way'. Rather, the advertisement supports the variety of lingerie available at Myer from traditional to lovable and cute to the Dita Von Teese range which showcases sexy and playful lingerie. The props used in the advertisement were chosen as they typically symbolize sexiness i.e. leather gloves.

The advertisement is primarily aimed at woman and as such it is reasonable and acceptable to depict women wearing underwear. The image of the underwear products being modeled in the poster are mild with no nudity and is treated with sensitivity. Further, as the brand is by Dita Von Teese, it is relevant and appropriate to have Dita featured in the advertisement.

Moreover, the advertisement is part of a series being used to promote the Dita Von Teese brand globally for the next six months, and is being used by all brand retailers including Bloomingdales and Nordstrom's in the US and a variety of European online e-tailers. To date, Myer and DCI have not received any other similar complaints in Australia or internationally. On the contrary, the campaign has received considerable praise from retailers and Dita's huge female fan base alike most of whom find the ads "inspirational and empowering". The featured product is selling out internationally.

At the launch of the Dita Von Teese collection at Myer in November no less than 1,000 watched Dita and three models reveal the collection in the Bourke Street Mall and a further 200 fans lined up to receive autographs. There were no complaints to this public display of lingerie but rather the positive media coverage exceeded everyone's expectations. Such is Dita's popularity.

We note that the complainant is concerned that the image was displayed in the food court and on other levels of the Westfield Carindale shopping centre. The advertisement is on display in 19 shopping centre locations across Australia and to date there has been no negative feedback in that regard. In a shopping centre, it is difficult to find a location where children and families are not together. The location of the advertisement was chosen due to the proximity to the Myer store.

Myer and DCI Corporation is of the view that the images contained in the poster do not discriminate or vilify sexuality or nudity that would contravene prevailing community standards, and that the advertisement is not actively directed towards children.

Myer and DCI Corporation consider that most members of the community would not consider the advertisement to be inappropriate. Rather the advertisement showcases and reflects the new season fashion trend for womens lingerie in Myer.

Based on the above, Myer and BCI Corporation do not believe that the advertisement contravenes section 2 of the AANA code of ethics.

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 complainant’s concerns that the advertisement depicts a highly sexualised image of a woman which is not appropriate for viewing by children.

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

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 that the advertisement features an image of a woman, Dita von Teese, wearing lingerie which includes full cup bra, full brief underpants, suspender belt and stockings and black gloves. The Board noted that there is another woman in the background who is also wearing lingerie along with a black coat and cap.

The Board noted that it was reasonable for an advertiser to depict its products being modelled in its advertising.

The Board noted it had previously considered a similar poster advertisement featuring Dita von Teese modelling her range for Target in case 0072/12 where:

“The Board considered that the pose of the model in the image is in keeping with typical lingerie advertising and that the lingerie fully covers Dita’s private areas. The Board considered that the image of the woman is not sexualised and is not sexually seductive. Considering that the advertisement was not a sexualized image, and that the woman is modelling the advertised product, the Board considered that most members of the community would not find the imagery offensive.”

The Board noted the complainants concern that “the models are posed in a submissive way, looking down and away from the camera or staring blankly.”

In the current advertisement the Board noted that Dita is presented in a manner which depicts her as confident and considered that her pose is not overtly sexualised and the appearance of her looking away did not amount to a depiction that was submissive. The Board noted that the lingerie both models are wearing covers their private areas and considered that the level of nudity is relatively mild and is not inappropriate.

The Board noted that this poster is used in malls across Australia and will therefore be viewed by a broad audience which would include children. The Board noted the complainant’s concerns that Dita is “known for being a stripper” and considered that young children would not be aware of this and that the manner in which Dita is presented in the advertisement is not suggestive of stripping or of any sexualised activity but rather is consistent with advertising lingerie.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.