



Case Report

1	Case Number	0293/11
2	Advertiser	Honey Birdette
3	Product	Clothing
4	Type of Advertisement / media	Poster
5	Date of Determination	27/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A young woman wearing black underwear with pink tie straps and black high heels is posing next to an antique style vanity. One arm is folded across her chest and the other is raised with her hand resting on an eye mask which is on her forehead.

The text reads, "Nice girls do..."

THE COMPLAINT

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

The Honey Birdette store is positioned inside the busy Westfield shopping centre - one of the largest in the southern hemisphere I believe - and is designed to be seen by all passing foot traffic including children. About 300m away is a children's play area for children aged 2-5 years. The store is positioned between Target and Kmart and is right beside Just Cuts hairdresser where children routinely get their hair cut. The image is not a G rated image but is positioned in a G rated environment. It is highly offensive and completely and utterly inappropriate.

THE ADVERTISER'S RESPONSE

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

Please note that the complaint to which your correspondence refers to actually does have text accompanying the image and is actually positioned within a corridor - not on a main runway of the centre.

While Just Cuts are in fact in the same area we are also positioned in the same section as Bras'N'Things, Sex Kitten, Dusk, G-Star. I am really not sure which children's play area the complainant is referring to?

The advertisement is our July promotion and depicts a woman standing with Honey Birdette brief on (she is not naked) and her breasts are in fact covered (not by her hand) but with a lingerie item that we sell in-store.

The photographic ad was designed to highlight our new "weekend away" range we sell which includes the sleeping mask.

It is important to note that this image appears in all 6 of our stores and we have not received one complaint other than this.

To be honest if we had a flurry of complaints we would be the first company to change the advertising as we are very sensitive to the needs and concerns of our shoppers. As is the case here, it is one person imposing their beliefs upon everyone else. Not one child or teenager has tried to walk into our store (unless a toddler in pram with their mother) in the past 8 months. Our shops are simply to subtle for their tastes.

I certainly do not see the positioning of her mouth as "open and explicit" - she really just looks like she is breathing.

The image is in keeping with the sensuous nature of our store. We do sell lingerie and we need to be able to advertise this fact. To be honest I walked through Target and KMart after receiving her complaint this afternoon and they have far more nudity advertised within their lingerie departments than we have in store. As does the newsagency and nearby jeweller. I have stood outside the store for the past 30 minutes and not one child has looked at this image. No interest whatsoever. Our demographic is 25 plus. Our marketing and products are pitched specifically to this audience and in fact we actively discourage the younger demographic from visiting our store.

This said, we have always been very conscious of the sensitivity of the community. This signage changes once a month and we put a lot of time and effort into ensuring that it is not offensive while 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 the board to understand that to market and advertise lingerie, a certain level of skin needs to be exposed, whilst keeping in mind the sensitivity of the community.

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 is offensive and inappropriate and can be viewed by children.

The Board reviewed the advertisements and noted the advertiser's response.

The Board considered whether the advertisements were in breach of Section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the advertisement features a woman standing side on and wearing underwear and high heeled shoes with the words, "Nice girls do..." written below her. The Board noted that the model is wearing underwear which is sold by the advertiser and that the advertisement is a poster in the window of the advertiser's shop. The Board considered that the image is relevant to the product.

The Board considered that the reference to 'nice girls do' is more likely to be considered a reference to girls wearing nice lingerie and not a suggestion of sexual behaviour.

The Board noted there is a level of community concern about the sexualisation of children and acknowledged the placement of the advertisement meant that the relevant audience was very broad and could include children. The Board acknowledged that some members of the community might be offended by the advertisement but considered that the image is only mildly sexualised and is not offensive or inappropriate.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.3 of the Code.

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