

Case Report

1. Case Number :	0012-23
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Determination	8-Feb-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This store window advertisement depicts a woman in a back bodysuit with pink accents, posed with her hands above her head. The lingerie style is titled Andreea.



THE COMPLAINT

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

I spotted this ad while shopping Karrinyup Centre, situated directly outside a popular icecream outlet. The Centre is owned by UniSuper and operated by the GPT Group.

Being school holidays the centre was busy, with many children around. I observed a number of children do double-takes as they passed Honey Birdette's shop windows which displayed a series of porn themed ads including this one.

The model is pouting, while her breasts and parts of her genital region are exposed. The cut of the body suit mimics pubic hair, drawing specific attention to the genital region.

I object to this type of advertising which reduces women to sex objects and reinforces harmful sexist attitude toward women and girls. Objectification of women is the basis of violence against them.

The Community Panel must give due consideration to the fact that Honey Birdette is a sex store trading in bondage gear and other sexual paraphernalia. It is currently under investigation in at least one region for operating outside of zoning restrictions which prohibit sex stores to operate in public shopping centres.

It is owned by corporate pornographer and pimp Playboy - a company with a 70 year history of profiting from the sexual objectification and exploitation of women and even children. I object to this company having free rein to display this porn inspired ad in my community and to children in my care. If the Community Panel cares about women and children at all, it should object too.

THE ADVERTISER'S RESPONSE

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

As a company that supports the empowerment of women and their right to pursue pleasure in a safe and inclusive environment we are disappointed to hear about this recent complaint on our store images.

Honey Birdette is a luxury lingerie retailer so it is only natural that we would show women wearing lingerie. In this picture for the complaint in question the model is stood alone in a pose that is 'straight up and down' with her hands above her head wearing one of our bodysuits from the lingerie collection.

We therefore cannot see how the complaint is linked to any of the following 2.3 - violence, 2.1 or 2.2, 2.5, 2.6 or 2.7 and contest that it breaks any of these ad standards. Neither her breasts or genital area are exposed

As a lingerie retailer as per ad standards it is only normal we would use models in our advertising and these models would be wearing lingerie.

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 women and is too sexualised to be displayed in a location where children can view it.

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

Section 2.2: Advertising should 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 this advertisement contains imagery of women in lingerie and considered that images of women in lingerie do contain sexual appeal.

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

The Panel noted that the advertisement was for lingerie products available at Honey Birdette and considered that it was reasonable for the woman to be depicted wearing that product in the advertisement.

The Panel considered that while the woman is wearing lingerie the focus of the advertisement is not irrelevantly on her body or body parts but rather on the lingerie itself.

The Panel considered that the advertisement did 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 the depiction of the woman was relevant to the promotion of lingerie and this did not lower the woman in character or quality.

The Panel noted that there is no suggestion that the woman is uncomfortable or distressed.

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

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined 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:

“Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

“Although not exhaustive, the following may be considered to be overtly sexual:

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

“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.

“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained 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 considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain a depiction of 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 noted the advertisement depicted a woman in lingerie and that this was a depiction of 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 the advertisement depicted a woman in lingerie and that this was 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 considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires 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 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 the image featured one person and there was no particular focus on her body parts. The Panel considered that while she was dressed in lingerie, the context of the advertisement was more in line with a beach setting than a sexualised scene.

The Panel noted that the woman’s breasts are appropriately covered and while the groin area on the lingerie was minimal, her genitals are covered. The Panel noted that the overall scene was similar to what would be seen in stylised high fashion swimwear images, and that these types of images were not overtly sexual.

The Panel considered that the sexualised nature of the advertisement came from the products being advertised and that the woman's pose and the context of the advertisement were not overtly sexual. The Panel considered that it is reasonable for an advertiser to feature their products in an advertisement, so long as the depiction of those products is not overtly sexual.

Overall, the Panel considered that the image was not overtly sexual or inappropriate for use in a setting where a broad audience would view the advertisement.

Section 2.4 Conclusion

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