



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

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Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0037-21
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	10-Mar-2021
6. DETERMINATION :	Upheld – Not Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This poster advertisement contains two images.

Image 1 features a woman in pink lingerie sitting on a car with her legs apart.

Image 2 features a woman in pink lingerie standing, leaning on a car.

THE COMPLAINT

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

While the image shows a skewed and objectified version of female sexuality, it the way the image is publically visible on the Honey Birdette shop front that is objectionable. Young people should not be encouraged to see this as a normal or ideal version of female sexuality. I have no objection to the products sold by this company, just the images displayed in the front windows.

The poster is similar to pornographic poses in magazines such as playboy etc. The engine is to sell sex appeal. It is not suitable for impressionable young teens to be advertised to, that this is how one should look sexy, by spreading your legs on a mans car. It is not suitable for impressionable teen boys that this is what sexy looks like,



having a hot young girl spread her legs on your car either. Not suitable for any minor of any age.

THE ADVERTISER'S RESPONSE

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

Honey Birdette refutes the complaint entirely. It is never our intention to display offensive images in our stores – in fact quite the opposite. Our company stands for empowerment of all woman and we are merely displaying the product, which is high end, premium lingerie. Our campaigns and imagery feature professional models, who are photographed in a professional, high fashion way.

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 complainants' concerns that the advertisement is overly sexualised and objectifying of women.

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

Section 2.2: 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 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 two images.

Image 1 – The Panel noted that the advertisement depicts a woman in pink lingerie sitting on the bonnet of a vehicle, posed with her legs apart. The Panel considered that this image did contain sexual appeal.

Image 2 - The Panel noted that the advertisement depicts a woman in pink lingerie standing, leaning on the bonnet of a vehicle, posed with her legs slightly apart. The Panel considered that this image did contain sexual appeal.



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

Image 1 – The Panel noted that the advertisement was for a lingerie product, and it was reasonable for the woman to be depicted wearing that product in the advertisement. The Panel noted that the woman is depicted with her legs apart and that this pose may be considered to be gratuitous, however considered that the underwear has a zipper detail that is the focus. The Panel considered there was no irrelevant focus on the woman’s body or body parts and considered that there is no suggestion that the woman herself is an object or commodity.

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 details of the lingerie.

Image 2 – The Panel had similar view to Image 1, and 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 details of the lingerie, and that there is no suggestion that the woman herself is an object or commodity.

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?

Image 1 – The Panel considered that the depiction of the woman was relevant to the promotion of lingerie and this did not lower the women in character or quality

Image 2 – The Panel considered that the depiction of the woman was relevant to the promotion of lingerie and this did not lower the women in character or quality.

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 or Marketing Communications 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”.

Image 1 - The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain sex.

Image 2 - The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain 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”.

Image 1 - The Panel considered that the woman was wearing lingerie and there was a sexual element to the advertisement.

Image 2 - The Panel considered that the woman was wearing lingerie and there was a sexual element to the advertisement.

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”.

Image 1 – The Panel noted that the woman in the advertisement is depicted in lingerie, and considered that this is a depiction of partial nudity.

Image 2 – The Panel noted that the woman in the advertisement is depicted in lingerie, and considered that this is a depiction of partial nudity.

Is the issue of sexuality 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.

Image 1 – The minority of the Panel considered that while the woman is posed with her legs apart, her genitals are fully covered and her bra fully covers her breasts. The minority considered that her pose is intended to highlight the zipper feature of the underwear. The minority noted that the engine part raised through the bonnet (colloquially referred to as a “blower” and common on muscle cars) serves to cover the lowest part of her body and where the underwear would go between her legs.

The minority of the Panel considered that while she is posed with her legs apart, she does not have a sensuous or suggestive facial expression, rather she appears poised and assertive. The minority considered that the impression of the advertisement is one of a strong woman sitting on a vehicle that is stereotypically associated with males and is not an image that is inappropriate for public display.

The majority considered that the image is similar to those stereotypically seen in a men’s magazine or calendar, where women are shown in conjunction with vehicles. The majority conceded that the lingerie is full coverage and the woman’s breasts and genitals are covered, however considered that the pose of the woman is still highly sexualised.

The majority of the Panel considered that the woman is posed sitting on a “blower” with her legs spread apart and a focus on her groin. The majority noted that such a pose is like those described in the Practice Note as being overtly sexual. The majority



considered that while the pose of the woman may be intended to showcase the zipper detail which runs vertically down the front of the underpants, it is not necessary to have her posed in the sexualised manner of the advertisement.

The majority of the Panel considered that, in accordance with the Practice Note, such an image is not appropriate for a display in a shopping centre where the relevant audience is broad and would include children.

Image 2 – The Panel considered that while the woman is posed with her slightly legs apart, her genitals are fully covered and her bra fully covers her breasts. The Panel considered that her pose is intended to highlight the zipper feature of the underwear.

The Panel considered that while she is posed with her legs slightly apart, she does not have a sensuous or suggestive facial expression, rather she appears poised and assertive. The Panel considered that her stance is wide-legged and bracing, however is not sexualised. The Panel considered that the impression of the advertisement is one of a strong woman leaning on a vehicle that is stereotypically associated with males.

The Panel considered that the mild sexual element of the advertisement was not inappropriate for a broad audience that would include children.

Section 2.4 Conclusion

The Panel determined that Image 1 of the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Upheld a woman in fully clothed underwear with her legs spread but...

Apparently this is ok?!?!?! (Images of male underwear ads included).

No way. Sexism is rife in this country and I'm going to implode it based on your short sighted antiquated ruling