



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0049-21
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 has six versions featuring lingerie in the style 'Madison'. The women in all versions of the advertisement are wearing red lace/sheer lingerie.

Image 1 - Features a blonde woman in the foreground sitting sideways on a motorcycle with her hands on her hips and her legs apart. There is a brunette woman in the background.

Image 2 - Features a brunette woman sitting (cannot see on what) with her arms raised and hands on the back of her neck. Her eyes are closed.

Image 3 - Features a blonde woman in the foreground sitting sideways on a motorcycle with her hands on her hips and her legs apart. There is a brunette woman in the background holding onto the handlebars of another motorcycle .

Image 4 - Features a blonde woman standing astride a motorcycle with her hands on the seat.

Image 5 - Features a brunette woman standing astride a motorcycle with her head tilted back and her hands on her hips.

Image 6 - Features a brunette woman standing astride a motorcycle looking into the camera with her hands on her hips.



THE COMPLAINT

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

I object to sexual harassment (unwanted exposure to sexualised imagery) and pornified representations of women on public display in my community. Women are not sex objects and it's time Brett Blundy's sex shop brand stopped representing women in this antiquated and harmful way.

This larger-than-life image fills a shop window. Understand that this is a larger-than-life image of a woman in transparent undies sitting spread-legged, vulva on show on a motorbike, displayed in the public realm for viewing by a non-consenting, all-age audience which includes children.

I don't know of anywhere else in the community where this type of harmful, objectifying and explicit imagery is allowed to be displayed. Newsagents are required to place covers over porn magazines (which are just a fraction of the size of these shop windows) to cover similar imagery from public display.

I object to the serial abuse peddled by this Brett Blundy-owned sex shop brand.

We don't see porn-style ads like these, featuring men, on display in the public realm - for good reason. It would be considered predatory and explicit to pose a near naked man, spread legged in sheer mesh undies, genitals and buttocks on display for viewing by an all-aged audience. Why does Brett Blundy's brand think it's ok to show children and other non-consenting community members who are not their customers this type of porn-themed imagery featuring women?

THE ADVERTISER'S RESPONSE

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

This feels like it may be the same person who complained last time and specially seems to have specific issue with Brett Blundy. Nether the less, we are very happy to address the complaint.

Honey Birdette sells premium and aspirational lingerie, as such it is photographed, filmed and marketed in such a way too. The shots are high end fashion and in no way designed to cause offence.

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 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 six images, but that several of the images are very similar with only slight differences in the model's pose. The Panel opted to consider Images 1-3 collectively, Image 4 individually, and Image 5-6 collectively.

Images 1-3 – The Panel noted that the advertisement depicts a woman in red sheer lingerie sitting wide legged on the side of a motorcycle. The Panel considered that this image did contain sexual appeal.

Image 4 - The Panel noted that the advertisement depicts a woman in red sheer lingerie sitting astride a motorcycle. The image is taken from the front of the motorcycle. The Panel considered that this image did contain sexual appeal.

Images 5-6 – The Panel noted that the advertisement depicts a woman in red sheer lingerie standing astride a motorcycle. The image is taken from the side of the motorcycle. The Panel considered that this image did contain sexual appeal.

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

Images 1-3 – The Panel noted that the advertisement was for a lingerie product, and it was reasonable for the women to be depicted wearing that product in the advertisement. The Panel noted that the main woman in each image is depicted with her legs apart and that this pose may be considered to be gratuitous, however considered that the underwear has sheer detail that is the focus. The Panel considered there was no irrelevant focus on the women's body or body parts and considered that there is no suggestion that the women themselves are an object or commodity.



The Panel considered that while the women are wearing lingerie the focus of the advertisement is not irrelevantly on their body or body parts but rather on the details of the lingerie.

Image 4 – The Panel had similar view to Image 1-3, and considered that while the women wearing lingerie the focus of the advertisement is not irrelevantly on their body or body parts but rather on the details of the lingerie, and that there is no suggestion that the women themselves are an object or commodity.

Images 5-6 – The Panel had similar view to Image 1-3, and considered that while the women wearing lingerie the focus of the advertisement is not irrelevantly on their body or body parts but rather on the details of the lingerie, and that there is no suggestion that the women themselves are an object or commodity.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

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

Images 1-3 – The Panel considered that the depiction of the women was relevant to the promotion of lingerie and this did not lower the women in character or quality

Image 4 – The Panel considered that the depiction of the women was relevant to the promotion of lingerie and this did not lower the women in character or quality.

Images 5-6 – The Panel considered that the depiction of the women 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 women or women in general.

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”.

Images 1-3 - The Panel considered that the women are not engaging in sexual activity. The Panel considered that the advertisement did not contain sex.

Image 4 - The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain sex.

Images 5-6 - 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”.

Images 1-3 - The Panel considered that the women were wearing lingerie and there was a sexual element to the advertisement .

Image 4 - The Panel considered that the woman was wearing lingerie and there was a sexual element to the advertisement.



Images 5-6 - 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”.

Images 1-3 - The Panel noted that the women in the advertisement are depicted in lingerie, and considered that this is a depiction of partial nudity.

Image 4 - The Panel noted that the woman in the advertisement is depicted in lingerie, and considered that this is a depiction of partial nudity.

Images 5-6 - 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.

Images 1-3 – The Panel considered that the images are similar to ones stereotypically seen in a men’s magazine or calendar, where women are shown in conjunction with vehicles or motorcycles. The Panel considered that the lingerie is very sheer, particularly in the crotch region, and considered that there is a focus on her groin.

The Panel noted that such a pose of sitting with spread legs is like those described in the Practice Note as being overtly sexual. The Panel considered that while the pose of the woman may be intended to showcase the sheer details of the underpants, it is not necessary to have her posed with her legs apart in the overtly sexualised manner of the advertisement.

Image 4 – The Panel considered that this image is of a close-up nature compared to the other images in the advertisement, and is intended to highlight the upper half of the lingerie. The Panel considered that the woman is clearly posed astride a



motorcycle with her hands leaning on the seat. The Panel considered that this image is not as highly sexualised as the other images in this case, however did consider that the overt level of sexuality is not appropriate for display in a shopping centre to a broad audience that would include children.

Images 5-6 – Similar to Images 1-3, the Panel considered that the images are similar to ones stereotypically seen in a men’s magazine or calendar, where women are shown in conjunction with vehicles or motorcycles. The Panel considered that the lingerie is very sheer, and considered that the lingerie is very high cut and the woman’s pubic region is quite uncovered.

The Panel considered that the pose of the woman does not show the details of the lingerie due to the side-on angle of the image, and considered that the image is highly sexualised.

Section 2.4 Conclusion

The Panel determined that 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 complaint.

THE ADVERTISER’S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the advertiser and other industry bodies regarding this issue of non-compliance.