



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0063-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	26-Feb-2020
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 poster advertisement depicts a woman standing side on in a doorway. She is viewed from the side, with one arm on the doorframe and the other arm down her side covering her bottom. She is wearing a sheer neon green bra, garter belt, underpants and stockings. Image text states 'Lyndi Untamed'.

THE COMPLAINT

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

The product and pose combine to present the woman in a sexually objectifying manner. The sheer fabric means her breast is fully exposed in a sexualised manner. The ad is unsuitable for public display and for viewing by an on-consenting audience that includes children.

THE ADVERTISER'S RESPONSE



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

Advertiser did not provide a response.

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 sexually objectifies the woman depicted and is unsuitable for display in a public shopping centre.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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 that the advertised product is lingerie and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

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.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the depiction of a woman in lingerie is one which most people would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that the woman was depicted in a confident and controlled manner and that her depiction in lingerie was relevant to the product being sold. The Panel considered that the woman was not depicted in a vulnerable position and was not depicted as an object or commodity. The Panel considered that there was no focus on a part of the woman's body that was not directly relevant to the product being promoted.



The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered the woman was shown standing in a way which accentuated the product. The Panel considered that the depiction of a woman modelling lingerie was not a depiction which lowered the model in character or quality.

The Panel considered that the depiction of the model did not lower the character or quality of the model and did not use sexual appeal in a manner that was degrading of the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the depiction of a woman in lingerie is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement treated depicted sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.



The Panel considered that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted. The Panel considered that the lingerie being promoted was sexualised and that this did add an element of sexuality to the advertisement. The Panel determined that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement contains nudity.

The Panel noted that the lingerie worn by the woman was quite sheer, and considered that a portion of her breast is visible. The Panel considered that the advertisement contained partial nudity.

The Panel then considered whether the issues of sexuality and nudity were treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexuality and partial nudity is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears in store windows and considered that the relevant audience includes retail and service 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 be broad and would include children.

The Panel noted that the lingerie worn in the advertisement is available for purchase at Honey Birdette, however considered that products must still be advertised in a manner that is suitable for advertising on the front window of a store that is located in a shopping centre.

The Panel noted that recent research into community perceptions found that the general community were more conservative than the Panel's determinations relating to sexual imagery and nudity in advertising, and that the level of concern over nudity



and sexualised content in advertising has been increasing over the last 10 years (https://adstandards.com.au/sites/default/files/2007-2017_community_perceptions_web.pdf).

The Panel considered that the pose of the woman was not overtly sexualised and that although she was depicted with one leg slightly raised, this gave the appearance of her stepping into the doorway rather than being a sexual act.

The Panel noted that the lingerie the woman is wearing is sheer, and that a portion of her breast is visible from the side, although it is fully encased in the bra. The Panel considered however that this depiction did not show her nipple, and it is not the focus of the advertisement. The Panel considered that while a portion of the woman's buttocks is visible, she is posed side on and her bottom is not visible. The Panel considered that there is no explicit focus on her body parts, and the level of nudity in the advertisement is mild.

The Panel considered that the pose of the woman was not sexualised and that there was no explicit nudity. The Panel considered that children viewing the advertisement would view a woman standing in a comfortable pose in colourful lingerie, and would not view the advertisement as sexualised.

The Panel considered that some members of the community may consider the image to be a reference to sex workers, as the woman is depicted standing in a doorway in lingerie which is a stereotype of such employment. While the Panel considered that this interpretation is unlikely to be shared by most members of the community, it would give a more sexualised context to the image. The Panel noted that advertisers should take care that the overall narrative or impression of an advertisement does not create a more sexualised theme than intended.

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

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.