



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0064-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	13-Apr-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement contains two images and features the lingerie style Laura.

Image 1 depicts a woman wearing a sheer green bra, underpants and stockings. She is shown wearing a hat and placing a gun into the side of her underpants.

Image 2 depicts the same woman in the same clothing. In this image she is holding the gun near her face and pointed upwards. Her eyes are closed and her mouth is open.

THE COMPLAINT

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

I object to global porn giant - Playboy - exposing non consenting members of the Australian public - adults and children alike - to its floor-to-ceiling pornified shop window ads. This corporate has a 70 year history of objectifying and exploiting women and girls. That it continues to do so - via its sex shop chain Honey Birdette's graphic, sexualised and explicit images - some with the added element of eroticising violence - in our suburbs and cities, is reprehensible.



These ads are larger than life - please note their enormity using the life-size mannequin frame situated next to the digital ad screen as reference. They are unmissable to passers-by.

THE ADVERTISER'S RESPONSE

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

Honey Birdette is a luxury lingerie brand that photographs women wearing lingerie in our advertising. While some of our styles pictured in this campaign are sheer, no genitalia is visible in any of our imagery. We refute that our advertising is “porn-inspired”, and do not believe that a reasonable person could seriously compare our images to pornography. This complainant even takes issue with our model’s mouth being open. Are we seriously suggesting that all women in Australian advertising must now keep their mouths closed? We also object to the complainant’s assertion that we have mixed “porn themes and violence” by using a toy pistol in some of our images. That is a hyperbolic overreach that is not only ridiculous but offensive. This particular lingerie campaign had a Western theme, so was staged in a saloon and included the use of cowboy hats, a mechanical bull and other props including a toy gun. This one complainant appears to be responsible for all of the complaints submitted to Ad Standards last month, with each including a copy and pasted paragraph about their obvious disdain for our business. This is despite the fact that these same advertising images were posted in dozens of locations around the country (and the world), with hundreds of thousands of shoppers walking past them without complaint. We believe that is a telling indicator as to who is not keeping up with community standards.

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 women, eroticises violence 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 a woman in lingerie and considered that the depiction of the woman in lingerie does contain sexual appeal.

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

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 in both images the woman is posed in a confident manner and she is depicted as being in control of the situation.

The Panel noted that the lingerie did appear to be transparent in parts, but that there was no particular focus on the woman's body parts.

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 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 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

Does the advertisement contain violence?

The Panel noted the complainant's concerns that the advertisement was eroticising violence.



The Panel noted that the advertisement features the woman in lingerie and a cowboy hat posing with a gun. The Panel noted that in the first image the woman was holding the gun with the barrel tucked into the side of her underpants, and in the second image she is pointing the gun into the air.

The Panel considered that she is not pointing the gun at anybody and that there is no threat or menace in the advertisement.

The Panel acknowledged that there are some members of the community who would find the depiction of a gun in any way to be threatening. However, the Panel considered that in the context of a Western themed photo-shoot the overall impression of the advertisement was not one of violence.

Section 2.3 Conclusion

The Panel determined that the advertisement did not present or portray violence and did not breach Section 2.3 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 behaviour. 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 featured a woman in lingerie and considered 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 featured a woman in lingerie which appeared to be transparent in places. The Panel noted that the advertisement contained 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 noted that in the first image the woman was posed holding her gun at her side, and the woman's pose was not overly sexual.

The Panel noted that in the second image the woman was posed with her eyes shut and her mouth open. The Panel considered that while this facial expression was mildly sexualised it was not the focus of the image and the overall pose of the woman was not overtly sexual.

The Panel considered that it was not clear from the images whether parts of the lingerie were transparent or had panelling of similar colour to the woman's skin.

A minority of the Panel considered that the large size of the image and the suggestion of the woman's genital region being visible through her underwear created an overall level of nudity that meant that the image was overtly sexual and inappropriate for the broad audience.

The majority of the Panel noted that the woman's genitals and nipples were not visible. The Panel considered that it was reasonable for the advertiser to show their products being worn, and in the context of advertisements with only mildly sexualised poses, the overall impression of the advertisement was only mildly 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.