



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 :	0065-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	13-Apr-2022
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 advertisement features the lingerie style Liva. It depicts a woman wearing a blue bra, suspenders and stockings. She is shown from the side, sitting astride an object and leaning forward. Her head is tilted back, 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:

This complaint is very light on the detail about any alleged breach, other than the complainant's subjective view and blanket accusation that our images are "porn-themed". Honey Birdette is a luxury lingerie brand that photographs women wearing lingerie in our advertising. We refute that our advertising is "porn-inspired", and do not believe that a reasonable person could seriously compare our images to pornography. The complainant again takes issue with our model's mouth being open, and suggests that they present as though "engaged in sexual activity". Our model is riding a mechanical bull in the context of our Western-themed lingerie campaign, and is obviously not engaged in sexual activity.

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 concerns that the advertisement:

- is objectifying of women and degrading to women
- is inappropriate for display in a public space.

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 the advertisement depicts a woman in lingerie posed in a sexualised manner. The Panel considered that this image did contain sexual appeal.

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

The Panel noted that the advertisement was for lingerie available at Honey Birdette and considered that it was reasonable for the woman to be depicted wearing the products in the advertisement. The Panel considered there was no irrelevant focus on the woman's body or body parts.

The Panel considered that the woman in the advertisement was depicted in confident manner and not in a manner suggesting that she was submissive or an object to be used.

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 the products available for purchase at Honey Birdette and this in itself did not lower the woman in character or quality.

The Panel considered that the woman was posed in a sexualised manner, but that this was relevant to the product being promoted and was not a depiction which lowered the woman 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 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 noted that the woman was riding a mechanical bull, however considered that this was not obvious in the way that the advertisement had been cropped. The Panel noted that the woman was leaning over an object with her backside out of the frame of the shot and that she had her head tilted back with her mouth open. The Panel considered that the woman’s facial expression was indicative of sexual pleasure, and not a facial expression that would be associated with riding a mechanical bull. The Panel considered that the sexualised expression on the woman’s face in combination with the way the image had been cropped did create an impression that the woman was engaged in sexual activity.

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 considered that the woman was posed in a sexualised manner and that the advertisement did contain 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 that the woman was depicted as wearing lingerie, and considered that this is a depiction of partial nudity.

Are the issues of sex, 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 it is not known how long the image appeared on the screen, however it was likely that it would not be considered fleeting by most members of the community. The Panel considered that the large size of the advertisement enabled the audience to focus on the scenario depicted, although the detail of each image may not be seen by everyone walking past.

The Panel considered that the context of the woman riding a mechanical bull was not clear in the image, and that the overall impression was of a woman engaged in sexual activity. The Panel considered that the depiction of a woman who appeared to be engaged in sexual activity was an overtly sexualised depiction.

The Panel considered that the overtly sexual image was not appropriate for the relevant broad audience which would likely include children.

Section 2.4 Conclusion

The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant 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 relevant authorities regarding this issue of non-compliance.