



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0066-22
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\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement features the lingerie style Mia. It depicts a woman wearing a yellow bra, suspenders and stockings. She is shown from the side, sitting astride an object. One hand is on her head and the other is placed on the item she's sitting on.

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:

Again, this complaint is scant on detail regarding any alleged breach, other than 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’s imagination is running wild asserting our model is “almost naked” from the waist down. She is of course wearing lingerie including briefs and suspenders. We sell lingerie – not nudity.

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 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 images of women in lingerie do 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 the woman is posed as though riding a horse or mechanical bull and she is depicted as being in control of the situation.

The Panel noted 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 2.4: 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 while the woman is seen straddling an object, it is in the context of the overall cowboy theme of the advertisement and it is clear 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 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 and that this was 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 the woman is posed with her legs apart straddling an object, with one of her hands between her legs and her head tilted back. The Panel considered that in the context of the advertisement it was clear that the woman was posed as though riding a horse or mechanical bull and that the placement of her legs and arm was relevant to this context. The Panel considered that although the woman's pose was sexualised, it was not overtly sexual.

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 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.