



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0073-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Facebook
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
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features the caption, "Out of the vault and into reality, the sold-out BELLE collection is back in limited numbers. Be quick honey, this one is in high demand..."

The post includes a video of a woman in black lace lingerie smoking a cigar. She pulls on her stockings and there is close up footage of the details on the bra.

THE COMPLAINT

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

The advertisement sexualises and objectifies women, by showing a woman in sheer lingerie (therefore virtually naked). The camera pans up and down her body in an objectifying way. She is smoking a cigar. The ad essentially advertises and promotes smoking, which is known to cause cancer.

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 retailer that shows women wearing lingerie in our advertising. It will therefore be difficult for us to please a complainant who believes that showing a woman in sheer lingerie means that she has been 'sexualised', 'objectified' and is 'virtually naked'. Our model is sitting in a chair with her legs crossed and a cigar in her mouth. Her nipples are not even visible in our heavily-embroidered bra. In this 14 second video, the camera pans swiftly across the products we sell – our lingerie. Our model is seen with a cigar in her mouth for two seconds. We do not sell cigars so have no interest in their 'promotion' as the complainant suggests. Like the cowboy hat, the cigar was one of the many props used to create our Western-themed campaign. Smoking is also something that can be widely observed in public spaces around Australia on a daily basis. We think it is significant to note that this image was seen by hundreds of thousands of people around Australia (and the world), yet Ad Standards appear to have only received two complaints (apparently from the same complainant given their wording) about the same image in poster form and on Facebook video. Therefore, we do not believe that the broader community shares this complainant's views.

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 overly sexualised, objectifying of women and promotes smoking.

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) focusing 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 a video image of a woman in lingerie with close-up panning shots of the lingerie. The Panel considered that the advertisement contained 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 considered that while the woman is wearing lingerie the focus of the advertisement is not irrelevantly on her body or body parts but rather on the details of the lingerie.

The Panel considered that the woman was not depicted in a way which suggested that the woman, not the lingerie, was the product for sale.

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 woman in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading of 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:

“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 is not engaging in sexual intercourse and 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”.

The Panel considered that the woman is wearing lingerie and considered that 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”.

The Panel noted that the woman in the advertisement is wearing lingerie and that her full breasts and genitals are not visible. The Panel noted that the lingerie has tulle pieces and a large amount of the woman’s skin appears visible and considered that this is 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.

In assessing the relevant audience, the Panel considered that the placement of the advertisement limited its reach. The Panel considered that the placement of the advertisement as a sponsored post on Facebook would mean that the advertisement was likely to be visible to people who don’t follow the Honey Birdette page, but who have interacted with the brand or shown interest in lingerie websites.

The Panel noted that although Facebook requires users to be over 13 and there is a chance that some viewers of this advertisement may be under 18, the relevant audience for this advertisement would be predominately adults who have shown interest in lingerie or who have visited the Honey Birdette website.

The Panel considered that the sexuality and nudity in the advertisement was mild and was not inappropriate for a social media audience.



Section 2.4 Conclusion

The Panel determined that 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.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that the advertisement featured a depiction of a woman smoking a cigar.

The Panel considered that it has consistently upheld complaints about advertising which showed people smoking cigarettes, such as in cases 0024-22, 0205-20, 0164-20, 0331-19,. In these cases the Panel has considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or fashionable.

In the current advertisement the Panel noted that the overall impression of the advertisement was aspirational creating a glamorous Western theme. The Panel considered that the images are positive and aspirational and present smoking in a positive light. The Panel noted that smoking of any kind is generally viewed as contravening prevailing community standards.

Section 2.6 conclusion

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.6 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.