



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0074-22</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>13-Apr-2022</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Not Modified or Discontinued</b>

### 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 poster advertisement features a woman wearing black lace lingerie and a cowboy hat with a cigar in her mouth. The word 'Belle' is superimposed over the image.

### 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) with a cigar in her open mouth, suggestive of fellatio. It is pornographic and its forced exposure on women in the public space constitutes sexual harassment. The audience for this pornographic ad also includes children, who research indicates are harmed through exposure to pornographic, sexualised and objectifying representations of women.*

*It also sexualises smoking and promotes it to an all-ages audience.*

### 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. Our model in this image 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. We do not sell cigars so have no interest in their 'promotion' as the complainant claims. To assert that picturing a woman with a cigar is automatically suggestive of fellatio is ridiculous, as is the statement that this image is 'pornographic'. Clearly it is not. Anyone could see more skin on show at their local beach. And 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 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 depicts a woman in 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:

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*“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 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.

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 woman was not posed in an overly sexualised manner and that the level of nudity was mild.

The Panel considered that the advertisement was not overtly sexual and was not inappropriate for the relevant broad 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, 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 created a glamorous Western theme. The Panel considered that the



image is positive and aspirational and presents 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.