



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

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| 1. Case Number : | 0082-21 |
| 2. Advertiser : | Honey Birdette |
| 3. Product : | Lingerie |
| 4. Type of Advertisement/Media : | Poster |
| 5. Date of Determination | 28-Apr-2021 |
| 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

There are four versions of this poster advertisement which feature a woman in neon green lingerie and a clear visor sitting on a white vehicle filled with tennis balls.

Version one features the woman sitting on an angle and her head is tilted up.

Version two features a woman sitting with her legs slightly apart, leaning backwards on her hands.

Version three features the woman seated on the vehicle with her legs apart and her hands on her waist leaning forward.

Version four features the woman leaning against the vehicle with her arms out wide behind her and her head tilted back.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:



The woman is almost naked and captured in various porn-inspired poses. In one she is resting back on her hands with her legs spread in sheer briefs which reveals the mons pubis. The ads appear to be part of a broader porn-style tennis-themed campaign. I object to the display of sexualised, objectifying ads like these in my community where they comprise sexual harassment and are linked to a range of harms to women and girls. In 2021, in the midst of a national conversation about consent, systemic sexual harassment and male violence against women, there is no place for these disrespectful, regressive, objectifying portrayals of women which pander to male sexual fantasy.

Totally sexually explicit. These moving photo frames are placed either side of the shops doorway!!

Impossible to not see this. This shop is in the hub of the shopping centre, just off from the main eatery and across from the centre management concierge desk. The ladies at the desk said that they hoped that something would be done about it as they get multiple complaints every day.

These images depict a woman in sheer lingerie, and with legs spread, both of which constitute 'overtly sexualised advertising' under the amendments to the AANA code. Given the lingerie is both extremely brief and sheer, the woman is almost completely naked. Hypersexualised images of women and women's bodies plastered around public shopping centres function as a sexist backdrop to society, making women's inequality seem normal and unremarkable. The image also directs passers by to watch an "uncensored" porn-themed video 'Anyone for tennis?' along with a link to Honey Birdette's website. This link can be accessed by any person with access to a smartphone, which includes children. Both these images and the video being advertised sexualise and demean women in sport. The ads trivialise women's sports and reduces female athletes to a male sexual fantasy. The "sexploitation" of women in sport is a well-documented phenomenon, one that has been found to negatively impact women's sports in a range of ways. It determines the value of female athletes primarily in terms of their body type and attractiveness, and detracts from their sporting abilities. Intentionally sexualising female athletes harms their credibility, reinforces gender stereotyping, excludes women who do not fit the 'appropriate' body type, and undermines the credibility of female athletes and women's sport as a whole. This same sexist and sexualising treatment is not typically extended to male athletes. This content, including the promo for the uncensored video, is broadcast to an audience that includes children. Exposing children to highly sexualised and porn-themed content is predatory and a form of grooming. Directing an audience that includes children to an uncensored sex shop video is a form of corporate paedophilia, and it should shock the conscience of any person who values children and their rights.

The ads, which are in full public view, are highly sexualized and encourage the sexual objectification of women. These ads suggest upskirting is acceptable behaviour when it is actually sexual harassment. Being in public, the ad can be viewed by children, and is therefore teaching young girls that their bodies are simply objects for the pleasure of others, and teaching young boys that sexual harassment is perfectly acceptable. This company consistently breaches advertising standards. Numerous complaints have



been upheld, but are never enforced and so without consequences, the company continues to breach the standards, and is contributing to significant harm within the community.

The photos in the front window for myself and my children to clearly see as we walk past are pornographic and depict women as sexual objects. At a time when we promote sport among girls to encourage, among many things, a positive view of their bodies as strong and competent, my teenage daughter is exposed to these images. My 11 year old son does not need to see women in our local shopping centre portrayed in this way- sexualised, objectified and open to harassment. Especially offensive if the 'upskirt' image- this is a criminal act of sexual violence to women and the posters in the store window are glorifying this violence.

THE ADVERTISER'S RESPONSE

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

Our ads promote empowerment and we find it sad that a minority group would try to turn a powerful campaign such as this into something 'degrading' to further their own cause.

This is designed to be a fun and uplifting, flirty campaign. There is no nudity and absolutely no objectification of women. As with all our ads the women take a dominant, empowered role.

There is no nudity in these ads. The poses are not designed to be 'pornographic' but instead to show off our high fashion, premium lingerie products.

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 complainants' concerns that the advertisement is overly sexualised and objectifying of women.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.2: Advertising or marketing communications 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 four images of women 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?

Image 1 – 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.

Image 2 –The Panel noted that the woman is depicted with her legs apart and that this pose may be considered to be gratuitous, however considered that the underwear has a lace detail that is the focus. The Panel considered there was no irrelevant focus on the woman’s body or body parts and considered that there is no suggestion that the woman herself is an object or commodity.

Image 3 – The Panel had similar view to Image 1 and considered that while the woman is depicted with her legs apart and that this pose may be considered to be gratuitous, the underwear has a lace detail that is the focus and there is no suggestion that the woman herself is an object or commodity.

Image 4 – The Panel had similar view to Image 1, and 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, and that there is no suggestion that the woman herself is an object or commodity.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

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

Image 1 – 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

Image 2 – 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.



Image 3 – 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.

Image 4 – 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 women.

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 or Marketing Communications 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 intercourse in any of the images. The Panel considered that all images in 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 was wearing lingerie in each image and there was a sexual element to the advertisement. The Panel considered that all images in 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 in each image of the advertisement is depicted in lingerie, 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 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.

Image 1 – The Panel considered that the woman’s genitals are fully covered and that her pubic mound is barely visible in the lace lingerie due to her pose. The Panel noted that although sheer, her bra fully covers her breasts and her nipples are not visible. The Panel considered that her pose is not inappropriately sexualised.



The Panel considered that such an image is not inappropriate for a display in a shopping centre where the relevant audience is broad and would include children.

Image 2 - The Panel considered that the woman is posed with her legs spread apart and noted that such a pose is described in the Practice Note as being overtly sexual. The Panel considered that while the pose of the woman may be intended to showcase the lace details of the underpants, it is not necessary to have her posed with her legs apart in the sexualised manner of the advertisement.

The Panel considered that such an image is not appropriate for a display in a shopping centre where the relevant audience is broad and would include children.

Image 3 – Similar to Image 2, the Panel considered that the woman is posed with her legs spread apart and noted that such a pose is described in the Practice Note as being overtly sexual. The Panel considered that while the pose of the woman may be intended to showcase the lace details of the underpants, it is not necessary to have her posed with her legs apart in the sexualised manner of the advertisement.

The Panel considered that such an image is not appropriate for a display in a shopping centre where the relevant audience is broad and would include children

Image 4 – Similar to Image 1, the Panel considered that while the underpants the woman is wearing are lace and the pubic mound is visible, her genitals are fully covered. The Panel noted that sheer, her bra fully covers her breasts and her nipples are not visible. The Panel considered that her pose is similar to tilting back her head to enjoy the sun and considered that her pose is not inappropriately sexualised.

The Panel considered that such an image is not inappropriate for a display in a shopping centre where the relevant audience is broad and would include children.

Section 2.4 Conclusion

The Panel determined that Image 1 and 4 of 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.

The Panel determined that Image 2 and 3 of the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant broad 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 complaints.

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 advertiser and other industry bodies regarding this issue of non-compliance.