



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0083-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	27-Apr-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Instagram Post features two images of a woman in pink lingerie with rope detailing sitting on a bed. She is wearing a bra, garter belt, underwear and wrist cuffs.

The caption to the post states, "Another HB Classic, back in the spotlight! Made with blush satin and winding ropes, SHIBARI PINK brings attention to all the right places. Style with the KUKURO set for a full look.

THE COMPLAINT

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

Degrading, dehumanising, objectifying:

This image is extremely confronting, the way the rope wraps around the woman's neck and is knotted at her throat. The way it has been cropped makes her appear decapitated, and makes the image worse. This is classic objectification- presenting a woman as a series of sexualised body parts rather than as a whole person. The ropes and cuffs make her appear bound, like a slave. The manner in which the rope is



positioned and knotted at her throat is suggestive of lynching. This is a disgraceful representation of any woman let alone a woman of colour who represents a societal group who have been subjected to longstanding historical oppression. I am genuinely disgusted at how this Playboy Group sex shop chain continues to stoop to new lows regarding its depiction of women. I found it interesting that every ad for this product range ('Shibari' - a form of Japanese BDSM-roping bondage, born out of methods originally used to restrain + torture captives) featuring white women afforded them the dignity of appearing with heads. It is impossible to view this as a coincidence.

Eroticising violence against women:

Research shows that in domestic violence situations, strangulation is the biggest predictor for murder. In other words, if a man strangles his partner, he is more likely to kill her. That Playboy Group/Honey Birdette wants to present women as rope-bound, ready and wanting strangulation- while we as a nation battle the scourge of male violence against women - is unfathomable. Irresponsible, reprehensible advertising.

THE ADVERTISER'S RESPONSE

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

As a company led by women with a more than 80% female workforce, we support the empowerment of women and their right to pursue pleasure in a safe and inclusive environment. As such, we were disappointed to learn about this misinterpretation of our advertising.

Honey Birdette is a luxury lingerie retailer, which means it is only natural we would feature women wearing lingerie in our advertising. We are known for communicating in an exciting, fun manner that is not exploitative; and our imagery in this campaign is relevant, in context, and absolutely no more provocative than any swimwear, lingerie, or underwear advertising you may expect to see on the street.

The ad in question features a pink lingerie outfit that includes a decorative rope detail. As you will see, the rope detail is featured throughout the lingerie, and not just at the neckline; and the rope is, in fact, placed more like a necklace that hangs down from our model's neck.

The angle of the shots is meant to put the viewers' focus on the pink lingerie itself, which looks stunning on our model. The second shot in the ad series shows the lower part of her face, which is similar to another ad in the series that features a white model whose face is mostly covered by a cowboy hat.

Contrary to the complaints you have received (which are few), we believe our ad is tasteful and shows a confident woman who is in control. Per your standards, it is reasonable to depict attractive models in costumes associated with brands or products being sold when they are portrayed in a positive light, which is exactly what we have done in this case.



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 degrading, dehumanising and objectifying of women
- eroticises violence against women and presents women as rope-bound, ready and wanting strangulation
- is offensive towards women of colour

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

Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of: Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

The Panel noted the complainant's comments regarding historical oppression towards people of colour and concerns that the advertisement is propagating such offensive themes. The Panel further noted the complainant's comments regarding comparative advertisements, however the Panel noted that it can only consider the content of individual advertisements, not how a particular advertisement compares to others in a campaign.

The Panel noted that there is a negative history of people of colour being mistreated and acknowledged that the casting choices in this advertisement may cause concern to some viewers. The Panel advised that advertisers should always be mindful of harmful stereotypes when casting for advertisements to ensure that further harm is not caused to impacted communities.

However, the Panel considered that promoting negative connotations was not the intent of the advertiser, or the overall impression of this advertisement. The Panel noted that women of colour are involved in promoting products more frequently and considered that this is a good, positive thing that should not be discouraged. The Panel considered that excluding people of colour from promoting certain products may further perpetrate prior harm and people of colour are entitled to make their own decisions regarding what products they endorse.



The Panel considered that the woman was not shown to receive unfair or less favourable treatment and was not humiliated or ridiculed.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

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 the advertisement depicts a woman in pink lingerie with rope detailing. 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 and fetish products available at Honey Birdette and considered that it was reasonable for the woman to be depicted wearing that product in the advertisement. 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.

The Panel noted that the advertisement did only depict the woman from below her nose, but noted that part of her face is visible in most images. The Panel considered that the effect of this was to highlight the details of the lingerie product and focus was on the product, not 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 the products available for purchase at Honey Birdette and this did not lower the women in character or quality.



The Panel noted that the woman is alone and there is no suggestion that she is restrained, in pain or discomfort.

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 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for the Code includes:

“Sexual violence is not acceptable. The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code... advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children”.

Does the advertisement contain violence?

The Panel noted that the issue of consent concerning sexual matters is of significant concern to the community.

The Panel noted the complainant’s concern that the advertisement eroticises violence against women and presents women as rope-bound, ready and wanting strangulation, however the Panel considered that is not the case. The Panel noted that the lingerie is not choking the woman, nor does she appear to be restrained, in pain or discomfort.

The Panel considered that while some members of the community would prefer that lingerie did not contain ropes, chains or spikes, such products are available for purchase and their promotion is not inherently advocating or encouraging violence towards women.

The Panel considered that the advertisement shows a woman wearing lingerie with rope and chain embellishments and considered that while such a depiction may make some viewers uncomfortable it is not itself a depiction of violence.

Section 2.3 conclusion

In the Panel’s view the advertisement did not depict violence and did not breach Section 2.3 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 activity 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 was 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 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.

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 on the Honey Birdette Instagram page meant that it was a message delivered by invitation rather than intrusion, as it is only visible to people who visit the Honey Birdette Instagram page or who follow the page. The Panel noted that the fact the Advertiser appeared not to have boosted the advertisement was an important consideration as this meant that the advertisement was not pushed beyond the Instagram page of the advertiser and onto a broader Instagram audience.

The Panel noted that although Instagram requires users to be over 13 and there is a chance that some followers of the Honey Birdette Instagram page may be under 18, the relevant audience for this advertisement would be predominately adults who have exercised the choice to follow the advertiser via its online presence or visit its page and who are familiar with the advertiser’s posts.

The Panel considered that the audience for this advertisement would be predominately adult and would be people familiar with the products available at Honey Birdette and its style of advertising on social media. The Panel considered that while the image may be inappropriate for display in a public arena such as a storefront, it was not inappropriate when displayed on the advertiser’s own social media channel which has a targeted adult audience of followers.

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.

Conclusion



Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.