



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0084-21</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>28-Apr-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### 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 three versions of this poster advertisement which feature the text 'Gabrielle PINK'.

Version one features an image of a woman in a pink lingerie set and a white skirt holding a tennis racquet. The wind is blowing her skirt up so that you can see her underwear.

Version two features two women. The first woman is wearing a pink lingerie set and is seated in front of a tennis net. The second woman is wearing a pink bra and white skirt and is standing behind the net leaning forward.

Version three features a woman in a pink lingerie set and white skirt posed as though she is about to hit a tennis ball with a racquet. Her skirt is blowing up at the front to reveal her underwear.

### THE COMPLAINT

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



*This regressive ad is degrading to women in sport and all women. It portrays women as sex objects, existing purely for male sexual fantasy. What a set back for women in sport and society. While the rest of the nation is talking about ways forward to address systemic sexism and sexual harassment, it is incomprehensible that Bretty Blundy's brand persists with such demeaning portrayals of women. The research on the harms of objectification of women in sport is decades old. The added element of upskirting is particularly disturbing. Upskirting - the deliberate filming up a woman's skirt - of course is illegal. How is this appropriate for display in any space, let alone for broadcasting to a non-consenting all-age audience? Honey Birdette is grooming boys and girls to view women in sport (and all women) as sex objects.*

*As I was walking past Honey Birdette with my family we were confronted with a large image of a woman being upskirted. To me this does not match community standards in modern society. There is clear community communication that taking and sharing such images is illegal and immoral. It surprises me that this is an acceptable advertising image in the mall of a family shopping centre.*

#### **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.*

*The definition of upskirting is; taking a sexually intrusive photograph up someone's skirt without their knowledge or consent.*

*In no way is this how the picture has been taken, and it goes without saying that the professional, fashion model, gave permission for these shots which show off the lingerie and nothing more. They have not been taken up her skirt and we are very offended by the false allegation.*

*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.*

#### **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 three 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.

The Panel noted complainant's concerns that the advertisement depicts/promotes 'upskirting'. The Panel noted that 'upskirting' is a term used to describe the act of taking a sexually intrusive photograph up someone's skirt without their permission and noted that it is usually performed in a public place, such as on public transport or in a nightclub, among crowds of people, making it harder to spot people taking the photos.

The Panel acknowledged that such an act is inappropriate however considered that the image in the advertisement was not the same as upskirting for two reasons – one, the woman in the advertisement is a paid model and is very aware of the photography occurring and two, certain sports such as tennis do result in a skirt becoming raised during the activity.

The Panel considered that the advertisement does not promote the taking of inappropriate images of women nor does it present the woman as an object or commodity.

Image 2 –The Panel noted that while the woman is wearing lingerie the focus of the advertisement is not irrelevantly on their body or body parts but rather on the details



of the lingerie, and that there is no suggestion that the women themselves are objects or commodities.

Image 3 – The Panel had similar view to Image 1 and considered that it is reasonable for the woman to be depicted in the product and there is no suggestion that the woman herself is an object or commodity.

Similar to Image 1, the Panel addressed the concerns about ‘upskirting’.

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 women 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.

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 women are 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 women were 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 women 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 bras 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 while the women are wearing lace lingerie their genitals and breasts are fully covered. The Panel considered that their poses show them in a natural position, sitting and standing comfortably (though in lingerie) and considered that such poses are not overtly 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 3 –The Panel considered that the woman is posed mid-action and her pose is not overtly sexualised. The Panel noted that part of her pubic mound is slightly visible due to the position of her skirt being raised, however considered that this is not the focus of the advertisement and her genitals are covered.

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 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 complaints.