



Ad Standards Community Panel
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Case Report

1. Case Number :	0113-21
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	12-May-2021
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\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement is a sponsored post and features a woman in black lingerie speaking to a tennis umpire who is off camera.

THE COMPLAINT

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

This advertising appeared unsolicited in my Facebook feed as a sponsored post. I have not 'liked' Honey Birdette on Facebook.

The image sexualises and demeans female athletes. The scenario depicts a female tennis player apparently arguing with a male umpire who is mostly off camera, except the female tennis player is not clothed in tennis apparel, other than a visor, she is wearing lingerie.

The ad trivialises women's sports and reduces female athletes to a male sexual fantasy. The "exploitation" 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 ad, and others like it from Honey Birdette's current sexist ad campaign, undermines many years of fighting for women's equality in sport. Sexualising women in sport harms female athletes, and women in general, while also potentially having the impact of discouraging women from participating in sports.

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 company that empowers women. The theme of the campaign is designed to remind everyone that women are a powerhouse when it comes to sport. It is a cheeky take on a much loved sport. There is nothing exploitative about the ad. The fact that the model is 'arguing' with the umpire shows that we stand for empowerment, totally undermining their own claim.

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 and objectifying of women.

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
Gender - male, female or trans-gender characteristics.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted that the image of the woman in lingerie was directly related to the products being promoted.

The Panel noted the complainant's concern that the advertisement ridiculed and sexualised female sports players.



The Panel noted the context of the advertisement suggests that the woman was playing tennis in her underwear and considered that this is an unlikely situation. However, the Panel considered that the woman was wearing the product in the context of a fashion shoot and although the context was unusual it was not making any generalisations about female tennis players or sports people in general.

The Panel the advertisement did not show the woman to receive unfair or less favourable treatment because of her gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the woman because of her gender.

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 gender, 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) 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 an image of a woman in black lingerie. The Panel considered that this advertisement did contain 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 noted complainant's concerns that the advertisement sexualised female tennis playing. The Panel noted that the woman was depicted as though she was a tennis player, however considered that she is not intended to represent a professional athlete or tennis players in general.



The Panel considered that the woman was depicted interacting with the umpire in a confident manner, and was not displayed 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 women.

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 to the women.

The Panel noted the complainant's concern that the advertisement sexualises and demeans female athletes by reducing them to a male sexual fantasy.

The Panel noted that advertisers are able to use creative license to build campaigns around certain themes, and using the theme of athletics in an advertisement is not demeaning to people who are employed in that profession.

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:

“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 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 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 however her full breasts and genitals are not visible. The Panel noted that the lingerie has mesh pieces and a large amount of the woman’s skin is 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 followers of the Honey Birdette page, but also to those who don’t follow Honey Birdette 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.

Conclusion

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