



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0134/19</b>
2	<b>Advertiser</b>	<b>Honey Birdette</b>
3	<b>Product</b>	<b>Lingerie</b>
4	<b>Type of Advertisement / media</b>	<b>Poster</b>
5	<b>Date of Determination</b>	<b>22/05/2019</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement titled "Lyndi" features 2 women posed in side embrace; one on left in 3 piece set; one on right in black and red bodysuit. Woman on left is leaning back into woman on right while woman on right is posed with arm forward and positioned on other woman's upper thigh/hip.

## THE COMPLAINT

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

*Ad portrays sexually objectifying portrayals of women. Imagery mimics porn. Research verifies that exposure to this type of imagery causes harm. I object to advertisers causing harm in my community.*

## THE ADVERTISER'S RESPONSE

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





*Advertiser did not provide a response.*

## **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 sexually objectifying women, that the imagery mimics porn and that the advertisement causes harm in the community.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

The Panel noted that the poster advertisement features two women wearing black and red lingerie. The woman on the left is wearing a bra, g-string and suspender belt and is leaning her head on the other woman's shoulder. The woman on the right is wearing a bodysuit with a plunging neckline she is looking down at the other woman and her hand is resting on the other woman's leg. The words 'London Calling LYNDL' appear on the poster.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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 complainant's concern that the advertisement is objectifying of the women.

The Panel noted that the advertised product is lingerie and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

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.

The Panel first considered whether the advertisement used sexual appeal.



The Panel considered that the depiction of a women in lingerie is one which most people would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that the women were depicted in a relaxed and comfortable pose, with one woman resting her head on the other woman's shoulder. The Panel considered that the women were not posed in a submissive manner and that they were not portrayed as objects or commodities. The Panel considered that the focus of the advertisement was on the style of lingerie being sold, and not on the woman's body parts. The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of the women.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered that the depiction of the models and the accompanying text did not lower the character or quality of the model and did not use sexual appeal in a manner that was degrading of the models.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainant's concern that the advertisement resembled soft porn and it is causing harm in the community.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel noted that two women are depicted wearing lingerie and posing together, with the woman on the left resting her head on the shoulder of the woman on the right, and the woman on the right having her hand resting on the other woman's leg. The Panel considered that the posing of the women was relaxed and friendly and considered that while the posing may be intimate it was not a depiction of sexual



intercourse or sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters.'

The Panel considered that the image references sexual matters by being a store for sexy lingerie and that the image of two women posed in a manner that suggest they are showing off the sexy lingerie is a depiction of the women expressing their sexuality.

The Panel then considered whether the advertisement depicted sexuality with sensitivity to the relevant audience.

The Panel considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel considered that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction must not be gratuitous and should be treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel noted that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider 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 considered the Practice Note for the Code provides:

"Images which are not permitted are those which are highly sexually suggestive and



inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

A minority of the Panel considered that the posing of the women, especially the woman on the right looking down at the body of the woman on the left, was suggestive of an intimate relationship between the two women. The minority of the Panel considered that this sexual suggestion combined with the sexualised nature of the lingerie contained a level of sexual suggestion which would be confronting for some people, and children, who viewed the advertisement and which did not treat the issue of sexuality with sensitivity to the relevant broad audience.

The majority of the Panel considered that while the style of the lingerie is sexualised, the women’s poses are relaxed and not inherently sexually suggestive. The majority of the Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by people shopping in the centre, especially those with young children, however in this instance the majority of the Panel considered that there was no sexual messaging or themes in the advertisement which would make it confronting for these audiences. The majority of the Panel considered that young children would be unlikely to view this advertisement as sexually suggestive, and the most likely interpretation by this audience would be two women posing in their underwear. The majority of the Panel considered that the advertisement was sexually suggestive, but not highly sexually suggestive and that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted that the women are not nude, but considered that the depiction of women in lingerie can be considered by some members of the community to be partial nudity.

The Panel then considered whether the advertisement treated the issue of nudity with sensitivity to the relevant audience.

The Panel considered the Practice Note for the Code provides:  
“Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable. Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example.



Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and fashion) is generally permitted but note the applications of the relevant audience. More care should be taken in outdoor media than magazines, for example. Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product.”

The Panel noted that style of lingerie worn by both women featured red lace through which the outline of the women’s nipples were visible.

The Panel noted that they have previously considered a similar advertisement for the same advertiser in case 0543/18, in which:

“The Panel noted that the woman was wearing blue lace underwear and that her genitals are covered. The Panel noted that the outline of one of the woman’s nipples is visible through the lace underwear. The Panel considered that the woman’s nipple was visible due to the style of the lingerie, but was mostly covered by the lace feature and was not a significant focus of the advertisement. The Panel considered that the woman’s breasts are not fully exposed and that the visible outline of a nipple was not inappropriate in the context of the product being advertised.”

Similar to case 0543/18, the Panel considered that in this instance the outline of the women’s nipples was not inappropriate given that the product advertised was a sheer body suit and lace bra and that the women’s nipples were partially obscured by the red lace detailing. The Panel considered that the women’s nipples were not the focus of the advertisement and were not immediately apparent when viewing the advertisement.

The Panel considered that the neckline on the body suit worn by the woman on the right was low cut and as such a large amount of the woman’s breasts were visible. The Panel considered that the woman’s breasts are not the focus of the advertisement and the level of cleavage on display would be considered by most members of the community to be consistent with fashion trends.

The Panel considered that the women’s genitals were not visible and that the women’s nipples and full breasts were obscured and not the focus of the advertisement. The Panel considered that there was no overt nudity at a level that most members of the community would find confronting or unacceptable.

The Panel considered that this advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

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

