



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0140-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	22-Apr-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a black and white image of a woman from behind. She is standing with her hands on her hips and is wearing a garter belt. Her buttocks are exposed. The caption with the image states, "The ultimate bondage babe, KUKURO, selling fast online"

THE COMPLAINT

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

This is a sexualised, sexually objectifying image of a woman to sell a product. The woman's face is not shown, just a sexualised representation of her body. Her body and sexual appeal are therefore treated as representing her whole self and defining her worth.

I object to this image because images that sexualise and objectify women, and determine a woman's value based on her sexual appeal and physical attractiveness, have been proven to harm women in a range of ways. Two decades worth of empirical data have found that "regular, everyday exposure to [sexually objectifying portrayals of women] are directly associated with a range of consequences, including higher levels of body dissatisfaction, greater self-objectification, greater support of sexist



beliefs and of adversarial sexual beliefs, and greater tolerance of sexual violence toward women. Moreover, experimental exposure to this content leads both women and men to have a diminished view of women's competence, morality, and humanity." Instagram is a platform intended for users aged 13 and above. It is one of most popular social media websites for teens. It is also well known that many users are below the age of 13.

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 sexualises and objectifies the woman pictured.

The Panel viewed the advertisement and noted the advertiser did not respond.

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 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 noted the complainant's concern that the advertisement sexually objectifies women by depicting a woman without showing her face, and that therefore her body and sexual appeal are treated as defining her worth.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered the woman is depicted from behind wearing only a g-string and suspenders. The Panel considered that the advertisement did depict 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 it was clear from the advertisement that the product for sale was the lingerie, not the woman, and that the woman was not depicted as an object or commodity. The Panel noted that the woman's entire body is depicted and that the Wonder Woman pose is a position of power.

The Panel considered that there is a focus on the woman's body and that this may not be directly relevant to the product of lingerie. However, the Panel considered that the image is highly stylised and artistic in its use of black and white photography, the strong pose of the woman and the entire background being the sky. The Panel considered that the intent of the advertisement is to invoke a feeling of strength, and the Panel noted that the Honey Birdette brand considers itself to strongly promote empowering women, even if some members of the community disagree with the method. The Panel considered that the advertisement is promoting the brand Honey Birdette as well as the lingerie, and that the depiction of the woman and the focus on her body is relevant to a brand which makes products for the female body and promotes the empowerment of women.

The Panel considered that the depiction of the woman without her face shown was not an attempt to suggest that she is an object or available for purchase, but rather was a creative choice relating to the theme and style of the photograph. The Panel considered that some members of the community may consider the depiction of a woman without her face shown, focusing instead on the lingerie being promoted, to be suggesting her worth is related to her body only. However the Panel considered that most members of the community would not have this interpretation of the advertisement, rather that it is portraying a lingerie product in a sexualised manner.

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

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 woman is depicted in a powerful pose, and is standing with her shoulders back and head held high. The Panel noted that the image was sexualised with the depiction of the woman also showing her buttocks and between her legs from behind. However the Panel considered that the depiction of a woman wearing sexualised lingerie in this promotion for that style of lingerie was not a depiction which lowered the woman in character or quality.

The Panel considered that the woman was shown from behind, and that her face not being in the image was a result of the theme and posing of the photograph, which focuses on a lingerie product, rather than a deliberate attempt to reduce her to a body only. The Panel considered that the depiction of her in a Wonder Woman pose is



depicting her as a sexually empowered being, and considered that this representation did not lower the woman in character or quality.

Overall the Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading of the woman.

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 suggests sexual activity by the use of the phrase 'ultimate bondage babe' with bondage being a reference to a sexual predilection.

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

The Panel noted the Practice Note for the Code states:

"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."

The Panel considered whether the images depicted 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 considered that the depiction of a woman in lingerie is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour, however considered that the reference to being the ultimate bondage babe is a reference to sexually suggestive behaviour.

The Panel considered whether the advertisement depicted sexuality.

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 noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.



The Panel considered that the depiction of the woman wearing the g-string and suspenders was relevant to the product being promoted. The Panel considered that the depiction of the woman in the product was sexualised and that the overall impression of the advertisement was that it did contain sexuality.

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 a factor when considering whether an advertisement contains nudity.

The Panel noted that the woman is wearing a g-string and suspenders, but noted that her whole buttocks are visible and that although her breasts are not visible due to her pose, it is apparent that she is not wearing a top. The Panel considered that the advertisement did depict partial nudity.

The Panel then considered whether the issues of sex, sexuality and nudity were 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 considered 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 suggestion is or might be relevant to the Panel considering how children, and other sections of the community, might consider 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 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.

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 audience for this advertisement would be predominately adults who choose to follow the advertiser and who are familiar with the advertiser's products.



The Panel considered that the woman is depicted mostly naked with a g-string and suspenders, and that her entire buttocks are visible as well as the side of her breast. The Panel considered that most members of the community would consider this to be a high level of nudity.

The minority of the Panel considered that the image was highly sexual and depicted a high level of nudity, and that such an image of a woman mostly naked is inappropriate for display in any arena.

The majority of 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 their style of advertising on social media. The majority of 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.

Overall the Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant 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.