



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0141/19
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	22/05/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement depicts a woman wearing a lingerie style titled “Samantha” and depicts the woman wearing a multi-piece black lingerie set including a black choker.

THE COMPLAINT

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

Image of sexual objectifying in its styling. Woman is represented as less than human (with dog-collar style choker). Research verifies the harms of exposure to this type of imagery on men, women and children. It is not for larger-than-life general public display.

THE ADVERTISER’S RESPONSE





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

The 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 the woman, that the woman is represented as less than human in wearing a dog-collar style choker, and that exposure to this image is harmful to the community.

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

The Panel noted that the poster advertisement features a woman in black leather lingerie posing with one hand on her hip. The lingerie includes a waist cinching waspie, mesh brief, stockings and a bra with an attached collar. The words 'London Calling Samantha' are written on the bottom of 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 woman.

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 woman 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 woman was posed in a confident manner consistent with fashion modelling and that she was not posed in a way that could be considered submissive or with an imbalance of sexual power. 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 noted the complainant's concern that the dog collar style choker represents the woman as less than human.

The Panel noted that they had considered an image of a similar style of lingerie in case 0056/18 in which:

"The Board considered that the advertisement is slightly more sexualised than typical lingerie and that it is almost more of a costume than something you would wear under clothing. The Board considered however that this is a style of lingerie sold by the store and it was reasonable for the store to depict it in their advertising. The Board considered that the collar around the woman's neck was part of the lingerie, and did not appear to restrict the woman or suggest that it was a restraint of any kind.

The Board considered that collars and chokers are common in current fashion and do not necessarily have a fetish suggestion. The Board considered that while some people may consider the use of lingerie with a choker exploitative, in the Board's view the depiction did not debase the woman."

Similarly, in the current advertisement the style of lingerie worn by the woman is sold by the store and it is reasonable for the store to depict it in their advertising. The Panel considered that the collar around the woman's neck was part of the lingerie, and did not appear to restrict the woman or suggest that it was a restraint of any kind. The Panel considered that collars and chokers are common in current fashion and the depiction of a woman wearing lingerie with this style and design is not a depiction which was suggesting that the woman was an object or commodity.

The Panel considered that the focus of the advertisement was on the style of lingerie being sold and that there was no focus 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 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 depiction of the model 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 model.

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 exposure to the advertisement is causing harm to men women and children who view it.

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 the woman was posed wearing lingerie and considered that such a pose and such attire was not in itself 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 the women posed in a manner that suggests she is showing off the sexy lingerie is a depiction of the woman expressing their sexuality.

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

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 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 that while the style of the lingerie is sexualised, the woman’s pose is confident and not inherently sexually suggestive. The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by some people shopping in the centre, including those with young children, however in this instance the Panel considered that there was no sexual messaging or themes in the advertisement which would make it confronting for these audiences. 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 of a woman posing in underwear that is available for sale in the store. The Panel considered that the advertisement was sexually suggestive due to the nature of the product, 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 woman is 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 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 that the style of lingerie worn by the model fully covered her breasts and genitals. The Panel considered that while an image of someone in their underwear could be considered nudity by some members of the community, most members of the community would consider it reasonable for an advertiser to depict their products being worn so long the level of nudity in the advertisement was in line with community standards. The Panel considered that the level of nudity would not be considered confronting to shoppers, including children.

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.

