



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 :	0145-20
2. Advertiser :	Honey Birdette
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Internet - Social - Facebook
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 Facebook advertisement features a woman in black strappy lingerie standing near a seated woman in a flight attendant's uniform. The woman in lingerie is cupping the flight attendant's face, the flight attendant has a hand on the thigh of the woman in lingerie. The caption of the image is "LEATHERETTE LOVER. Have a mile-high affair in this sheer seductress. Shop the Jesse collection online."

THE COMPLAINT

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

Sexually objectifies women, showing a woman in lingerie with the top of her head cut off. Depicts an act of sexual aggression against airport ground crew with a woman in lingerie standing over a ground crew worker while grabbing her face. Sexualises female ground crew, suggesting that sexual advances are something they might welcome. Uses the phrase "mile-high affair" invoking the idea of the "mile-high club" which is having sex on an air craft. This is anti-social behaviour which may also be a criminal offence. Glorifying this behaviour causes problems for air crew, specifically flight attendants who have to deal with this conduct.



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:

- Sexually objectifies women by showing a woman with the top of her head cut off
- Depicts sexual aggression towards airport staff
- Suggests sexual activity by the use of the phrase 'mile high affair'
- Sexualises airport staff by suggesting they may welcome sexual advances

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 showing a woman with the top of her head cut off.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered the woman clothed in an airport staff uniform and considered that she was not depicted in a manner which would be considered by most members of the community to contain sexual appeal.



The Panel considered the woman clothed in black lingerie and 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 focus of the advertisement was on the product being promoted, and that the close-up nature of the advertisement was to focus on the detail of the product. 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 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 depiction of a woman wearing sexualised lingerie in a promotion for that lingerie was not a depiction which lowered the woman in character or quality.

The Panel considered that the depiction of the woman with only part of her head visible was not dehumanising of the woman, rather the image focussed on the lingerie product and highlighted the detail of the product which would not have been evident in a longer shot. The Panel considered that the woman's body parts were not the focus of the advertisement and that the woman was not lowered in character or quality because her entire body was not shown.

The Panel considered the woman was shown standing in a way which accentuated the product. The Panel considered that the depiction of a woman modelling lingerie was not a depiction which lowered the model in character or quality 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 the advertisement:

- Depicts sexual aggression towards airport staff
- Sexualises airport staff by suggesting they may welcome sexual advances.

The Panel considered that sexual aggression towards women is a significant issue of concern in the Australian community and that advertisements should not condone or



normalise behaviour which suggests sexual aggression. The Panel noted that this advertisement is an advertisement for lingerie which has a campaign theme/concept of people taking flight (hence the airport).

The Panel noted that the advertisement depicts a standing woman in lingerie touching the face of a seated woman dressed in an airline staff uniform, and the staff member's hand is on the leg of the woman in lingerie. The Panel noted that the woman dressed in a uniform did not appear to be uncomfortable, and noted that her hand on the woman in lingerie's leg indicated a degree of reciprocation.

The Panel noted the complainant's concern regarding the image condoning inappropriate behaviour towards airline staff but considered that this was an unlikely interpretation. The Panel considered that there is no imagery or language which suggests or encourages unwanted sexual advances towards airline staff. The Panel considered that this concern did not breach Section 2.4 of the Code.

The Panel noted the complainant's concern that the advertisement suggests sexual activity by the use of the phrase 'mile high affair'.

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. The Panel noted the phrase 'Have a mile-high affair' but considered that this phrase was used in relation to the airport theme of the advertisement however considered that the phrase is a well known reference to sex on a plane. The Panel considered that the advertisement did contain a suggestion of sexual 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 this style of lingerie was relevant to the product being promoted. The Panel considered that the lingerie being promoted was sexualised and the two women were in an intimate scenario. The Panel determined that the advertisement 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 one of the women is wearing lingerie however noted that her breasts and genitals are covered. The Panel noted that the other woman is fully clothed. The Panel considered that some members of the community may consider a woman in lingerie to be a depiction of 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 is 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 Facebook page meant that it was a message by invitation rather than intrusion, as it is only visible to people who visit the Honey Birdette Facebook 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 Facebook 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 one of the women is fully clothed and the other is depicted in lingerie which is not explicit and that overall there is not a high level of nudity. The Panel also considered that the sexual suggestion in the advertisement by the mention of a 'mile-high affair' was innuendo and not an explicit reference to sex. The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the predominantly informed adult audience.

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.