



Ad Standards Community Panel
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Case Report

1. Case Number :	0147-21
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	16-Jun-2021
6. DETERMINATION :	Upheld – Not Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement features a woman wearing a black bra and a black collar and pulling on the collar. There is no text on screen.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

This is basically pornography showing a female in a sexual manner being choked. This is in a shopping center in full view of all age groups - children and teens are seeing this when they walk past the shop

I young woman is dressed in provocative clothes that show her tightening the colour around her neck many woman have suffered because strangulation is shown in porn as exciting woman die from this or end up with brain injuries this is violence against woman, how inappropriate that young children see theses adds in shopping centre. The ad showed her trying to tighten the collar

Normalising Violence toward women. Viewed by women and children in full view at shopping centres.



I object to porn inspired ads which objectify and degrade women, and trivialises and eroticise violence against them, on display - in this case in larger than life video format - for all ages viewing in my community. I can only imagine how distressing this ad is for domestic violence victims and survivors of assault. Data shows a growing trend of women and girls pressured to submit to violent sexual acts including choking, and an increase in so called 'rough sex' defences of men's killing of women - many by strangulation. Two children died this year in a viral 'choking challenge' popularised on Tik Tok. This is the height of insensitivity and irresponsibility on Honey Birdette's part. What a disgusting display of contempt for women. I'm truly shocked that the ad system accommodates this.

Giving everyone a horrible idea that girls are toys and we like being tied up and choked.... We have children! They don't need to see these advertisements! Absolutely disgraceful! Highly offended. Should be hidden behind the doors of their own shops!

It is promoting abuse to women and the false idea to men that choking women is "sexy".

It shows abuse of a woman portrayed as sexy. This is inappropriate in a shopping mall where children are walking past. I have teen daughters and they should not see this as acceptable advertising for a sexual relationship. It's domestic violence portrayed as desirable.

This is not appropriate in any setting especially a family shopping centre. A healthy community needs to support respect of women and healthy relationships not abuse. I ask you to please have the ads removed promptly. Thank you.

The over sexualisation of women being completely normalised to young children and teens

Throughout 2021 women have raised their voices at all levels of society to speak out against violence against women, lack of consent, right up to Parliament. I find it galling that I, as a victim of sexual violence, me and my teenage and younger children have to walk past this advertisement as we do our shopping. I don't want me children to think that this is normal, that they are there to be anyone's victim. Please bring these window video billboard adverts down. If you don't, please know that you are perpetuating violence, and furthering the trauma of victims.

THE ADVERTISER'S RESPONSE

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

We are deeply concerned that the person(s) making the complaint are reigniting a hugely disturbing act known as 'choking'. If you actually watch our advert you'll see that in no way is our model being 'choked'. Chokers are items that have been in fashion for centuries. Many of our styles have this same feature of material around



the neck as it is a highly fashionable piece - none of these were complained about. If anyone thinks that because our model is wearing a choker that she should be choked - then that is quite possibly the most frightening anti-female thing I've ever heard.

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 complainants' concerns that the advertisement:

- is overly sexualised
- is objectifying of women and degrading to women
- shows a woman choking herself
- promotes and normalises violence towards women
- is inappropriate for children to view.

The Panel viewed the advertisement and noted the advertiser's response.

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) 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.

Does the advertisement use sexual appeal?

The Panel noted that the advertisement depicts a woman in black lingerie laying down and pulling on a collar she is wearing. The Panel considered that this image did contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement was for lingerie and fetish products available at Honey Birdette and considered that it was reasonable for the woman to be depicted wearing that product in the advertisement. The Panel considered there was no irrelevant focus on the woman's body or body parts and considered that there is no suggestion that the woman herself is an object or commodity.



The Panel considered that while the woman is wearing lingerie and a collar the focus of the advertisement is not irrelevantly on her body or body parts but rather on the details of the products.

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

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 the products available for purchase at Honey Birdette and this did not lower the women in character or quality.

The Panel noted that the woman is alone and there is no suggestion that she is being forced to pull on the collar or a suggestion that she is in pain or discomfort.

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

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 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for the Code includes:

“Sexual violence is not acceptable. The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code... advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children”.

Does the advertisement contain violence?

The Panel noted that the issue of consent concerning sexual matters is of significant concern to the community.

The Panel noted complainants’ concern that the advertisement depicted the woman choking herself, however the Panel considered that is not the case. The Panel noted that the woman is tugging the collar forward away from her throat and that such an action could not choke her.



However, the Panel acknowledged that some people viewing the advertisement may interpret it as the woman choking herself.

The Panel considered that the scenario depicted in the advertisement was one which suggested that the woman is tugging on the collar for sexual gratification.

The Panel noted that the woman is alone and there is no suggestion that she is being forced to pull on the collar or a suggestion that she is in pain or discomfort.

The Panel considered that the advertisement shows a woman pulling on her own collar and considered that while such a depiction may make some viewers uncomfortable it is not itself a depiction of violence.

Section 2.3 conclusion

In the Panel's view the advertisement did not depict violence and did not breach Section 2.3 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:

"Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

"Although not exhaustive, the following may be considered to be overtly sexual:

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

"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 considered that the woman is not clearly engaging in sexual activity however considered that most members of the community would consider such behaviour likely to occur during sexual activity. The Panel considered that the advertisement did 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 was wearing lingerie and tugging on a collar 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 depicted in lingerie, and considered that this is a depiction of partial nudity.

Are the issues of sex, 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.

The Panel noted that this video 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 noted that the advertisement is approximately ten seconds long, and considered that the video would not be considered fleeting by most members of the community. The Panel considered that the length of advertisement enabled the



audience to focus on the scenario depicted, and that that scenario was one which was indicative of sexualised conduct.

The Panel considered that this advertisement was more sexualised than many advertisements. In particular, the Panel noted the pose of the model showing her lying down and pulling on a collar she is wearing, and her lingerie which is of a bondage style.

The Panel considered that the depiction of a woman in BDSM style lingerie pulling on a collar typically associated with fetish-wear was highly sexually suggestive. The Panel considered that the combination of the BDSM style lingerie and the collar amounted to a strong suggestion of sexual activity which most members of the community would find confronting and inappropriate to be displayed in a shopping centre window.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.