



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	Case Number	0158/19
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertise depicts two women posed at a bar. Both women are wearing red three piece lingerie sets. One woman is seated and posed with elbows rested on bar and is putting (presumably) an olive in her mouth. The second woman is standing next to & slightly behind first woman. The lingerie style is titled Penelope.

THE COMPLAINT

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

Imagery is sexualised in style and mimics porn-style images used in printed publications such as Playboy.

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 imagery in the advertisement is sexualised and mimics porn.

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

The Panel noted that the poster advertisement features two women posed at a bar. Both women are wearing red three piece lingerie sets. One woman is seated and posed with elbows rested on bar and is putting (presumably) an olive in her mouth. The second woman is standing next to & slightly behind the first woman. The lingerie style is titled Penelope.

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 imagery in the advertisement is sexualised and mimics porn.

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 seated and eating an olive while the woman on the right is standing slightly behind her looking down. The Panel considered that the posing of the women was not intimate and 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 considered whether the advertisement contained 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 for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

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 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 that while the style of the lingerie is sexualised, the women's poses are relaxed and not inherently sexually suggestive. 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 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 two



women posing in their underwear. 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 noted the Practice Note for the Code states:

“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.”

The Panel considered that the style of lingerie worn by the models fully covered their 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 mild. In the Panel's view this depiction of women wearing lingerie was not focussed on body parts or nude elements and so was sensitive to the relevant audience.

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.

