



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0163-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	10-Aug-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
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DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features an image of a woman wearing white lingerie with a pink bow in her hair. She is lying on a white blanket outside. The caption to the Post reads "Flirt alert! [Flower emoji] Get ready flirt with flowers in AMELIA. As seen on @annalisachristiane".

THE COMPLAINT

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

I object to the use of what is known as a 'paedophilic aesthetic' in all advertising. Even when the subject of the ad is grown women, this type of styling places girls at risk. It caters to men's fantasies to abuse girls, and reinforces the harmful idea that girls are sexually available to men. Completely irresponsible advertising - if Honey Birdette does not understand this concept, I believe Ad Standards has a duty to explain it to them.

THE ADVERTISER'S RESPONSE

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



As a company that supports the empowerment of women and their right to pursue pleasure in a safe and inclusive environment, we were disappointed to learn about the recent complaints concerning our mall displays.

Honey Birdette is a luxury lingerie retailer, which means it is only natural we would feature women wearing lingerie and accessories in our advertising. Unlike the complaints received, the models in the campaign in question are wearing our product and are in natural poses. The complaint that they appear to be young-girl like and therefore we are placing girls at risk is a long stretch and imaginative.

Per your standards, it is reasonable to depict attractive models in costumes associated with brands or products being sold when they are portrayed in a positive light. We believe we have upheld this standard in our ads.

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 concerns that the advertisement contained a 'paedophilic aesthetic'.

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

Section 2.2: Advertising or marketing communications should not employ sexual appeal:

- **where images of Minors, or people who appear to be Minors, are used**
- **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 white lingerie with a large amount of her buttocks exposed. The Panel considered that this image did contain sexual appeal.



Does the advertisement use sexual appeal where images of Minors or people who appear to be Minors are used?

The Panel noted that the woman in the advertisement was clearly an adult and did not appear to be a Minor. The Panel noted the complainant's concern that the advertisement used a 'paedophilic aesthetic', however considered that the use of a pink bow in the woman's hair did not make her appear childlike. The Panel considered that the woman did not appear to be a Minor, and was not depicted in a manner that was childlike.

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

The Panel noted that the advertisement was for lingerie 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 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 available for purchase at Honey Birdette and this did not lower the women in character or quality.

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 images of people who appear to be Minors, or 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 2.4: 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 engaging in sexual activity considered that the advertisement did not 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 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.

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 as this meant that the advertisement was not pushed beyond the Instagram page of the advertiser and onto a broader Instagram audience.

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 relevant audience for this advertisement would be predominately adults who have exercised the choice to follow the advertiser via its online presence or visit their page and who are familiar with the advertiser’s posts.

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 Panel considered that the image was not inappropriate when displayed on the advertiser’s own social media channel which has a targeted adult audience of followers.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.