



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0164-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	10-Aug-2022
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 poster advertisement features the text "More. More. More! Final markdowns selected styles - from 50-75% off sale ends midnight Monday!" superimposed over the top of a red filtered image of a woman wearing a collar with a chain attached and black lingerie.

THE COMPLAINT

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

I object to the Playboy-owned sex store's oversized, degrading depictions of women-as-dogs. I further object to Honey Birdette's repurposing of an ad which Ad Standards already determined breached the AANA Code of Ethics. I object to the sexual harassment of adults and grooming of children it wields through these porn and BDSM themed ads.

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 that does not depict woman as dogs. Our models are not dogs and it is a shame that this is how they have been referred to.

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 concern that the advertisement is degrading women and is too sexualised to be displayed in a location where children can view it.

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

Section 2.2: Advertising 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 this advertisement contains imagery of a woman in lingerie considered that images of women in lingerie do 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 noted that the woman



was an active participant in the scene.

The Panel considered that the context of the scene is unclear, but it does not appear as though the woman is being restrained or used as an object. The Panel considered that the woman herself is not depicted as an object or commodity.

The Panel noted that there was no particular focus on the woman's body parts.

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 this did not lower the women in character or quality.

The Panel noted that there is no suggestion that she is being forced to wear a collar or any 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 2.4: Advertising 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, rather is posed in a manner to show off the sexualised product. The Panel considered that the advertisement did not contain a depiction of 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 noted the advertisement featured a woman in lingerie and a collar and that this was a depiction of sexuality.

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 the advertisement featured a woman in lingerie and that this was a depiction of partial nudity.

Are the issues of 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 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 noted the complainant's concern that the image being used was a cropped version of an image previously found to breach the Code in case 0312-21. In this case:

"The Panel considered that the depiction of a woman in BDSM style lingerie wearing a collar typically associated with fetish-wear was overtly sexual. The Panel considered that the combination of the BDSM style lingerie, the collar and other paraphernalia 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."

In the current case, the Panel considered that the tinting of the image and the superimposed text meant that the image of the woman was not clear. The Panel considered that the image had also been cropped and while her collar was visible there was not a strong sexualised tone to the advertisement. The Panel considered that the tinted, obscured image was not the focus of the advertisement and would not attract the attention of people passing by.

Overall, the Panel considered that the image was not overtly sexual or inappropriate for use in a setting where a broad audience would view the advertisement.

Section 2.4 Conclusion

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.

Conclusion

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