



Ad Standards Community Panel  
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## Case Report

1. Case Number :	0178-21
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	23-Jun-2021
6. DETERMINATION :	Upheld – Not Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This advertisement features a woman wearing white lace lingerie. The video pans from her upper body to her lower body, following her hands and she runs them down her body.

### THE COMPLAINT

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

*It was sexually suggestive and I could see her vagina.*

*Nobody should be subjected to specialised images in public spaces. Particularly not visible genitalia.*

*This video contains an overtly sexual image that is not appropriate in a shop front window, visible to anyone walking by including children. The video shows a woman wearing transparent lingerie moving her hands around her body in a sexually suggestive way, down to her vagina which is partially visible in the video. I am offended because I had a young child with me and there were other young children around completely exposed to this highly sexually inappropriate video in a public setting. I don't want my son or daughters for that matter being exposed to images such as this without any sort of context, and open to their own vulnerable interpretation or interpretation of others. I am aware that this same store had another inappropriate video that was in breach of advertising codes, which was taken just days*



*before this one was displayed, and it seems that this store is a repeat offender of the advertising code yet they seem to get away with it each time, until someone complains.*

## **THE ADVERTISER'S RESPONSE**

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

*Honey Birdette sells high end lingerie. We run campaigns and imagery that show off the beautiful products we produce. We use professional models in high fashion campaign videos. It is never our intent to create controversy and they couldn't be further away from being 'porn' style videos. We are a company run by woman, for women, who believe firmly in female empowerment.*

*The complaints are referring to our Daisy set. Again this is the same group unjustly targeting HB and our Broadway centre staff. The complainant is known to HB and they have blown up the images and zoomed in which is not at all how it appears on the screen.*

## **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 depicts a woman's genitalia and is inappropriate for display where it can be seen by children.

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

### **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 and 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 running her hands down her body and there was a sexual element to the advertisement. The Panel considered that the advertisement did contain 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 that the lace and mesh underwear worn by the woman in the advertisement was transparent and part of the woman’s labia was visible. The Panel considered that the woman’s genitals were not covered and that the advertisement did contain 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 video appears in store windows in shopping centres and considered that the relevant audience was broad and 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 the video featured the woman’s body from her breasts to her upper thighs and considered that the focus of the image is on the white lingerie set being sold. The Panel considered that the movement of the woman’s hands was to draw the viewer’s eye to the lingerie. The Panel considered that while the movement of the camera down the woman’s body was suggestive its primary purpose was to draw the viewer’s attention to the bottom of the screen, where the top of the woman’s labia was visible through the mesh of the underwear. The Panel considered that most members of the community would consider the depiction of visible genitals to be unnecessary and inappropriate for an advertisement in a public shopping centre.

The Panel considered that the level of nudity is inappropriate for a display in a shopping centre, particularly where the relevant audience is broad and would include children.

#### **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.