



Ad Standards Community Panel
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Case Report

1. Case Number :	0181-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	10-Jun-2020
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 Instagram advertisement depicts three women. One woman is a passenger, and is depicted in many lingerie outfits during the advertisement.

A woman approaches the counter of a fictional airline called "Honey Birdette airlines." The female flight attendant behind the counter hands the woman her boarding pass. The passenger then turns around, leans up against the counter and opens her coat to reveal that she is wearing white lingerie. The passenger is then shown sitting on seats in the airport, walking through to security with a suitcase, posing at security, going through a metal detector and then being waved over with a security wand.

The scene cuts to a scene showing the plane mid flight and we see the same women inside the plane. Several scenes show close-ups of lingerie with unclear backgrounds. The passenger is then shown walking through the plane aisle and touching the flight attendant's shoulder as she passes. The next scene shows the passenger standing over the seated flight attendant, and then the flight attendant feeding the passenger a glass of champagne.

The next scene depicts the flight attendant talking to the passenger before the female pilot pushes her aside and takes the passenger upstairs. The following scenes depict



the passenger, flight attendant and pilot in various poses, including the pilot leaning over the passenger as she is seated and removing the pilot's tie, and the passenger kneeling on a chair and touching the standing flight attendant's face and neck.

The advertisement ends with the passenger woman disembarking the plane.

THE COMPLAINT

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

Instagram is a social media platform for users 13+. This ad campaign, posted on their Instagram page contains harmful themes which are detrimental to a young audience whose values and attitudes about women and relationships are still developing.

The ad comes across as predatory. In order to advertise their lingerie Honey Birdette depicts sexual predation as a 'sexy fantasy.' "Honey Birdette airlines" is reminiscent of Jeffrey Epstein's 'Lolita Express.' Epstein had a female accomplice who recruited and controlled young women. The theme is consistent - young women taken on a plane and passed around as sexual objects by those who have complete control over their movements, including where and when the plane lands.

There is a young looking woman in her underwear preparing to get on a plane. The pilot and leering flight attendant are aware she's getting on the plane and are shown talking about her. Once on the plane both the pilot and flight attendant are shown directing the woman's movements and treating her like their own personal plaything. The flight attendant pours alcohol into her mouth - a predatory action that Honey Birdette is trying to portray as 'sexy.' Then we have the pilot shoving the flight attendant out of the way in order to take lingerie woman upstairs where they both touch her and fawn over her.

Portraying sexual predation as a 'fantasy' shouldn't get a pass just because the predators are women. Allowing these portrayals of women in advertising would set a harmful precedent and undermine the work being done to address gender equality and violence against women.

Note: I recently submitted a complaint about the same ad on Facebook.

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 advertisement is sexually predatory in the depiction of young women taken on a plane and passed around as a sexual object by those who have complete control over their movements.

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

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the 1min45sec advertisement depicts many scenes of women in lingerie and considered that this is a depiction which most people would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that although the advertisement did have a storyline, the focus of the advertisement was on the product being promoted. The Panel considered that it was clear that the advertisement was featuring a range of the products available from the retailer and there was no suggestion that the woman featured in the advertisement was presented as a commodity or was for sale. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered that the depiction of women wearing sexualised lingerie in a promotion for a lingerie brand was not a depiction which lowered the women in character or quality.



The Panel considered that the depiction of women wearing lingerie was not a depiction which lowered the models in character or quality and did not use sexual appeal in a manner that was degrading of the models.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel then 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 advertisement is sexually predatory in the depiction of young women taken on a plane and passed around as a sexual object by those who have complete control over their movements.

The Panel considered that sexual aggression towards women is a significant issue of concern in the Australian community and that advertisements should not condone or normalise behaviour which suggests sexual aggression. The Panel noted that this advertisement is an advertisement for lingerie which has a campaign theme/concept of people taking flight (hence the airport).

For completeness, the Panel considered specific scenes that were of concern to the complainant, and then considered the overall advertisement.

The Panel noted the complainant’s concern about a scene which showed a woman dressed in an airline uniform pouring champagne into a passenger woman’s mouth, and the concern that this is predatory.

The Panel considered that the scene was not dissimilar to those seen at weddings where couples link arms to drink, or feed each other cake. The Panel considered that the passenger woman did not appear to be uncomfortable with the action and considered that this was not a depiction of sexual predation but more akin to an intimate act between consenting participants.

The Panel noted the complainant’s concern that the pilot and flight directing the woman’s movements and treated her like a plaything.

The Panel considered that this in an interpretation that would not be shared by most reasonable members of the community. The Panel considered that the central character was shown to be in control of her circumstances and the woman is shown to be an active and willing participant in her interactions with the pilot and flight attendant.

The Panel noted the complainant’s concern about a scene which depicted a pilot shoving a flight attendant out of the way in order to take the lingerie woman upstairs where they both touch and fawn over her.



The Panel considered that this scene did show the pilot ushering the flight attendant out of the way and taking a woman upstairs, presumably to the cockpit. The Panel considered that while this behaviour may be impolite, it was not considered to be an act of aggression or unacceptable behaviour at a level that would be a breach of the Code.

The Panel considered that the complainant's overarching concern is that there is a theme of sexual predation in the advertisement due to the treatment of the passenger woman. The Panel also noted the complainant's comparison of the advertisement to a plane owned by Jeffrey Epstein which has been referred to as the Lolita Express, in which underage girls were taken on a plane and sexually assaulted.

The Panel considered that this was an unlikely comparison that would not be shared by most reasonable members of the community, as the advertisement depicted all women, all the women were over the age of sexual consent, and all the women appear comfortable and not unhappy to be on board.

The Panel noted a scene depicting the passenger woman, the pilot and the flight attendant in the cockpit. The Panel noted that they were in an intimate and sexualised scenario, but considered that the passenger woman is shown to be touching the other women. The Panel considered that the passenger woman did not appear to be uncomfortable, and that her behaviour indicated a degree of reciprocation.

The Panel noted that the issue of sexual violence is one of significant community concern, however considered that most members of the community would not consider that the advertisement was depicting or condoning violence against women.

The Panel considered that there is no imagery or language which suggests or encourages unwanted sexual advances towards women. The Panel considered that this concern did not breach Section 2.4 of the Code.

After considering the specific concerns raised by the complainant, the Panel then considered whether the advertisement as a whole complied with the provisions of Section 2.4 of the Code. The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."



The Panel considered whether the images depicted 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 considered that the depiction of a woman in lingerie is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel noted that several scenes depict two women in an intimate embrace with one leaning over the other, or them touching, and considered that this is sexually suggestive behaviour.

The Panel considered whether the advertisement depicted 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 the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the depiction of the women wearing the various styles of lingerie was relevant to the product being promoted. The Panel considered that the lingerie being promoted was sexualised and that there were scenes which depicted women in an intimate scenario. The Panel determined that the advertisement did contain sexuality.

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 contains nudity.

The Panel noted that the majority of the women in the advertisement are wearing lingerie, and considered that there are some scenes in which nipples were visible. The Panel considered that some members of the community may consider a woman in lingerie to be a depiction of partial nudity.

The Panel then considered whether the issues of sex, sexuality and nudity were 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 considered 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 suggestion is or might be relevant to the Panel considering how children, and other sections of the community, might consider 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 into 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 products.

Based on the consideration of the relevant Instagram audience of this advertisement, the Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to that 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.