



Ad Standards Community Panel
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Case Report

1. Case Number :	0187-21
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 :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a close up video of a woman wearing pink lingerie.

THE COMPLAINT

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

I object to porn style ads on display to an all age audience in public space in my community. This is a highly sexualised video short running on loop in larger than life shop windows where children are present. Shop windows ads shouldn't look like ads for a porn channel.

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 complaint seems to be referring to our Belinda set. The woman is merely running her hands across the product to emphasise some of the features. There is no nudity or excessive focus on anything other than the product itself.

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 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 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.

Does the advertisement use sexual appeal?

The Panel noted that this advertisement contains imagery of a woman in lingerie and 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 a lingerie product, and it was reasonable for the woman to be depicted wearing that product in the advertisement. The Panel considered that while the woman is wearing lingerie the focus of the advertisement is not irrelevantly on her body or body parts but rather on the details of the lingerie 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 and this did not lower the woman 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 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 in the video. The Panel 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 noted the advertisement featured a woman in lingerie whose hands are placed on and around her covered breasts. The Panel considered that the advertisement contained 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 advertised product is lingerie and the woman is portrayed wearing the product. The Panel considered that while the women’s breasts are not exposed, some members of the community would consider the depiction of a person in lingerie to constitute 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 in shopping centres and considered that the relevant audience is 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 woman’s bra fully covers her breasts and her nipples are not visible. The Panel considered that her pose is not overtly sexualised and its display in a shopping centre where the relevant audience is broad and would include children was not in breach of the code.

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.