



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0241-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	26-Oct-2022
6. DETERMINATION :	Upheld – Not modified or discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement in store windows includes three images:

- Image one features a woman standing with her hands on her hips, she is wearing nipple pasties, briefs and a harness with stirrups
- Image two features a woman from the chest down. The woman is wearing nipple pasties, briefs and black straps around her waist. The words "Fashion Fetish" are superimposed over the top of the image
- Image three features a woman from her nose to her waist. She has a leather bit in her mouth, a chain over her shoulder connected to a strap in her hand. She is wearing nipple pasties.

THE COMPLAINT

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

Absolutely inappropriate advert across the front entrance of lingerie store Honey Birdette in Doncaster shopping town, Doncaster, Vic. The advert faces out so is clearly on display for everyone within the centre. I had my 3 young children with me and was absolutely mortified by this & shielded their view and changed where we were walking to avoid them seeing this. It is completely inappropriate for children to be subjected to such sexualisation and pornographic content while shopping in a family friendly environment. The advert is highly suggestive and I found it appalling. No one would be



allowed to walk through the shopping centre exposed like this so it should not be allowed to be displayed and I'm sure it is a breach. It is located right next to a kids clothing store and in a main walkway. We should not be subjected to such inappropriate and highly offensive material and encourage the extreme sexualisation of women and on full display of young children and families.

I'm very liberal but this is clearly R rated and pornographic. A little 6 year old girl was staring at the image. It's completely inappropriate to have this publicly in shopping centres. There advertising is bad at the best of times, but this has got to be illegal. It goes against all standards of decency and it's offensive to have this pushed on us as you walk by a store.

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 in our advertising. Unlike the complaints received, the models in the campaign in question are wearing lingerie and related products that does not exploit or degrade woman, nor is it sexual. In our opinion, the ads do not violate Section 2 of the Code of Ethics – and with respect to section 2.4, we have treated the subject of sexuality in a sensitive manner while also depicting a woman who is strong and empowered.

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 complainants' concerns that the advertisement:

- is objectifying of women and degrading to women
- is inappropriate for display in a public space.

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 the advertisement depicts women in black lingerie and fetish wear and that this contained 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.

Image one

The Panel noted that the woman was wearing a belt with stirrups. The Panel noted that while she was standing in a strong position with her hands on her hips, the overall impression of this product on a woman only wearing nipple pasties and underwear was that she was available to be 'ridden'. The Panel considered that the depiction of the woman with stirrups did draw comparisons between the woman and a horse and this was a strong suggestion that the woman was an object or commodity available to be used.

The Panel considered that the advertisement did employ sexual appeal in a manner which is exploitative of the woman in image one.

Image two

The Panel noted that the woman was depicted wearing nipple pasties, a belt with multiple buckles and underwear. The Panel noted that the woman's face was not depicted, and the words "Fashion Fetish" were superimposed over the image. The Panel considered that the depiction of the woman without a head in combination with the sexualised lingerie and the word 'Fetish' was dehumanising and depicted the woman as an object or commodity available to be used.

The Panel considered that the advertisement did employ sexual appeal in a manner which is exploitative of the woman in image two.

Image three

The Panel noted that this close-up image of the woman featured her biting down on a bit, with a lead attached to the strap around the back of the head. The Panel noted that while she was holding her own lead, the overall impression of this product on a woman only wearing nipple pasties was that she was available to be 'ridden'. The



Panel considered that the depiction of the woman with the bit did draw comparisons between the woman and a horse and this was a strong suggestion that the woman was an object or commodity available to be used.

The Panel considered that the advertisement did employ sexual appeal in a manner which is exploitative of the woman in image three.

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

The Panel considered that the depiction of the women was relevant to the promotion of lingerie and the products available for purchase at Honey Birdette and this in itself did not lower the women in character or quality.

The Panel considered that all three images did suggest the women were objects to be used for the enjoyment of another person and that this suggestion did lower the women in character or quality.

The Panel considered that the advertisement did employ sexual appeal in a manner which is degrading to the women.

Section 2.2 conclusion

Finding that the advertisement did employ sexual appeal in a manner which is exploitative and degrading of an individual or group of people, the Panel determined that the advertisement did 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 in all three images the women were depicted alone, posing with the fetish gear, and there was no sex depicted in the images.

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 women are wearing lingerie and fetish gear 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 women in the advertisement are depicted in nipple pasties with large parts of their breasts visible 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.



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 that it is not known how long the image appeared on the screen, however it was likely that it would not be considered fleeting by most members of the community. The Panel considered that the size of advertisement enabled the audience to focus on the scenario depicted. The Panel noted that the black backgrounds of the images meant that the details of the lingerie and fetish products were clear.

The Panel considered that there was a high level of nudity in all three images, as the women were depicted in nipple pasties, underwear and fetish products with a large amount of their skin visible. The Panel considered that the black background of the images meant the focus was on the women's bodies and this heightened the impact of the nudity.

The Panel also noted that images one and three included fetish paraphernalia (stirrups in image one and a bit in image three) which were highly sexualised. The Panel considered that most members of the public would find that the depictions of high levels of nudity in conjunction with sexual paraphernalia confronting in the windows of a store in a shopping centre.

The Panel considered that all three images did feature overtly sexual imagery and the sexualised imagery was not appropriate for display in a shop front window.

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 Sections 2.2 and 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.