



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0244-22</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>Billboard - Digital</b>
<b>5. Date of Determination</b>	<b>26-Oct-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### 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 depicts two women posed with one leaning against the other. They are wearing a sheer/lace lingerie style titled Emma.

### THE COMPLAINT

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

*I object to playboy - a company known for exploiting and grooming children - exposing kids in my community to its porno ads featuring objectifying portrayals of naked women.*

### 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 and showing genitals. 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 complainant's concern that the advertisement is objectifying of 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 women 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 lingerie products available at Honey Birdette and considered that it was reasonable for the women to be depicted wearing that product in the advertisement.

The Panel considered that while the women are wearing lingerie the focus of the advertisement is not irrelevantly on their body or body parts.

The Panel considered that the women are depicted as posing confidently for the image. The Panel considered that neither woman appears to be submissive and neither is depicted in a manner suggestive of them being objects or commodities.

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 the women are uncomfortable or distressed.

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 women appear to be posing and are not engaging in sexual behaviour. The Panel considered that the advertisement does 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 depicted women in lingerie 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 depicted women 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 that although the women are depicted in lingerie, their breasts and genitals are appropriately covered. The Panel noted that the lingerie style is sheer however noted that their nipples are not visible through the fabric. The Panel considered that most members of the community would not consider the depiction of women in lingerie to be inappropriate nudity.

The Panel considered that the women are posed in a confident manner, and although one was leaning against the other, this had the effect of appearing like a fashion image rather than sexual. The Panel considered that the level of sexuality in the advertisement is mild.

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.