



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0254-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	9-Nov-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 five images:

- Image one depicts a woman from the chest down. The woman is black underpants and a wide belt with stirrups attached.
- Image two depicts a woman's face and upper chest. She is wearing leather wrist cuffs that are locked together.
- Image three depicts a woman's back. She is wearing a brace.
- Image four depicts a woman wearing nipple pasties and a black collar. The collar has a chain attached and the woman is holding the other end.
- Image five depicts a woman wearing a brace and nipple pasties.

### THE COMPLAINT

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

*These ads were shown to an all ages audience in a family suburban shopping centre. The shop and its windows are positioned at the top of an escalator, making the ads unmissable by passers-by. These are hardcore BDSM-fetish-themed ads, broadcast by a global porn company-owned sex shop. I object to Playboy's oversized, degrading and dehumanising public depictions of women as animals: dogs to be restrained and horses to be ridden - things for men's sexual use and abuse. How is this appropriate for*



*children? Why are kids being invited to a BDSM-fetish party? This pornographer needs to be kept away from children. Research shows women do not feel safe in venues where this type of imagery/marketing is displayed. Playboy does not own the public space in our communities, and has no right to intimidate women this way. Absolutely despicable, irresponsible and unconscionable corporate behaviour. It amounts to sexual harassment and child grooming of the worst kind. I hope Ad Standards will communicate very clearly to all of Honey Birdette's shopping centre landlords that it has continued to violate the AANA Code of Ethics, and that the landlords finally take action to protect community members from this predatory porn company.*

### **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 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 had not provided a 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 the woman was not depicted in a sexualised pose, the overall impression of this product on a woman 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 image one of the advertisement did employ sexual appeal in a manner which is exploitative of the woman.

*Image two*

The Panel noted that the woman appeared to be naked, but that her breasts were fully covered by her arms and the cropping of the image. The Panel considered the woman was shown with her wrists linked together, however these were not locked and the woman did not appear restrained. The Panel considered that the woman did not appear alarmed or distressed, and that there was no suggestion that she was being restrained by another person or was available to be used.

The Panel considered that image two of the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.

*Image three*

The Panel noted that the woman appeared to be wearing strappy black lingerie, but the cropping of the image and the fact she was facing away from the camera meant that the woman's breasts and buttocks weren't visible. The Panel considered that the lingerie may be some kind of harness, but the parts that were visible appeared only as a strappy lingerie design. The Panel considered the woman was not standing in a sexualised pose and there was no indication of anyone else in the image.

The Panel considered that image three of the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.

*Image four*

The Panel noted that the woman was depicted wearing nipple pasties and a collar with a lead attached. The Panel considered that while the woman was holding the leash herself, the depiction of a nearly naked woman in a collar with a lead attached was a suggestion that the woman was an object or commodity available to be used.

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



#### *Image five*

The Panel noted that the woman was depicted wearing nipple pasties and a harness. The Panel considered that while the image contained a high level of nudity, the woman was not restrained or in a position where she lacked power. The Panel considered that the woman was not displayed as an object or commodity.

The Panel considered that image five of 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 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.

#### *Image one*

The Panel considered that the image did suggest the woman was an object to be used for the enjoyment of another person and that this suggestion did lower the woman in character or quality.

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

#### *Image two*

The Panel considered that there was no suggestion of an imbalance of power in the image, and the woman was not shown to be an object to be used. The Panel considered that the image did not lower the woman in character or quality.

The Panel considered that image two of the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

#### *Image three*

The Panel considered that the woman in the advertisement was not shown to be an object to be used. The Panel considered that the image did not lower the woman in character or quality.

The Panel considered that image three of the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

#### *Image four*

The Panel considered that the image did suggest the woman was an object to be used for the enjoyment of another person and that this suggestion did lower the woman in character or quality.



The Panel considered that image four of the advertisement did employ sexual appeal in a manner which is degrading to the woman.

#### *Image five*

The Panel considered that the woman in the advertisement was not shown to be an object to be used. The Panel considered that the image did not lower the woman in character or quality.

The Panel considered that image five of the advertisement did not employ sexual appeal in a manner which is degrading to the woman.

### **Section 2.2 conclusion**

Finding that Images one and four 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 five 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 in images four and five 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 these images appear 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 images 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.

#### *Image one*

The Panel also noted that image one included fetish paraphernalia (stirrups) which was highly sexualised. The Panel noted that the fetish wear was worn in combination with lingerie which left a large portion of the woman's buttocks visible. The Panel considered that most members of the public would find that the depictions of sexual paraphernalia confronting in the windows of a store in a shopping centre. The Panel considered that the black background of the image meant the focus was on the woman's body and the detail of the product and this heightened the impact of the sexuality in the image.

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

#### *Image two*

The Panel noted that image two also included fetish paraphernalia (restraints) however the sexual nature of the product would not be immediately clear to those viewing the advertisement. The Panel considered that the restraints looked like bracelets and viewers would have to look closely to see that they were connected together. The Panel noted that the woman appeared to be naked, but that her arms and the cropping of the image meant that her breasts were fully covered.

The Panel considered that the sexuality and nudity in the image was mild and that image two did not feature overtly sexual imagery.

#### *Image three*

The Panel noted that the woman appeared to be wearing strappy black lingerie, but the cropping of the image and the fact she was facing away from the camera meant that the woman's breasts and buttocks weren't visible. The Panel considered that the level of nudity was mild, and that the fetish nature of the product was not clear in the image.

The Panel considered that the sexuality and nudity in the image was mild and that image three did not feature overtly sexual imagery.

#### *Image four*

The Panel considered that there was a high level of nudity in this image, as the woman was depicted in nipple pasties and fetish products with a large amount of skin visible. The Panel considered that the black background of the images meant the focus was on the woman's body and this heightened the impact of the nudity.



The Panel noted the image included fetish paraphernalia (collar and lead) which is 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 image four did feature overtly sexual imagery and the sexualised imagery was not appropriate for display in a shop front window.

#### *Image five*

The Panel considered that there was a high level of nudity in this image, as the woman was depicted in nipple pasties 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 woman's body and this heightened the impact of the nudity.

The Panel considered that image five 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 images one, four and five of 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 complaint.

### **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.