

## Case Report

1. Case Number :	0259-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	23-Nov-2022
6. DETERMINATION :	Upheld - Not Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This store window advertisement features a woman wearing a green embroidered bra with cut-outs. The woman is reclining with her head tilted back, eyes closed and lips parted.

### THE COMPLAINT

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

*This advertising is too close to young children visiting the neighbouring shops Big W and Boost Juice.*

*10/11/22*

*In addition to what information I have already provided you via the Ad Standards complaints web portal, I attach the following copy of the email that I sent to Canberra Centre Management in July 2022 about Honey Birdette's advertising (to which I have received no response from the Canberra Centre Management):*

*I am writing as a concerned parent of a young child about the position of the lingerie shop Honey Birdette.*

*The advertisement in front of this shop is very explicit and sexually provocative. And the position of this shop is in close vicinity to Boost Juice and Big W - the two shops that families with young children visit frequently. There is also an indoor play area nearby attracting even more young children to the area.*

*The advertisement of the shop Bras N Things is better in that it is less sexually provocative. But it's position is not ideal either. Is it at all possible for you, as the management of the Canberra Centre to ask Honey Birdette to tone down its advertisement for the sake of the young children in the vicinity? Or to keep this kind of sexualised advertising INSIDE their shop?*

*Or for Honey Birdette to move to a different part of the centre if this shop wishes to continue with its sexually provocative advertisement?*

*With sexual violence against women on the rise, and one woman dying every day to every few days in Australia due to sexual violence, I feel very strongly that young children should not be exposed to this type of advertisement while visiting Big W and Boost Juice or the indoor play area. This is inappropriate for both young girls and boys. These images sexualises the female body, and objectifies the female body for children to "normalise" at a young age.*

*I totally respect this shop operating. But it's advertisement has to change at its current location or the shop should relocate if the shop does NOT tone down its advertisement. Or move the advertisement inside the shop.*

*We as a community should do our part in protecting the welfare of our future, which rests on the wholesome wellbeing of our children. This should also mean mutual respect between all peoples rather than over sexualisation and objectification of female bodies.*

*The Australian community has become DESENSITISED to this type of sexualised advertisement that bombards our young children yet we wonder why sexual violence is on the rise.*

*I plead with you to consider the gravity of this concern.*

*10/11/22*

*I attach below some supporting information regarding sexual violence against women. This is in relation to my complaint (case number 0259-22). I believe this type of sexual violence against women is ENCOURAGED by sexualised and objectified images of the female body that our society bombards not only young men but also young CHILDREN.*

*<https://www.abc.net.au/news/2022-08-31/women-experiencing-higher-rates-of-sexual-violence-than-thought/101388410>*

*10/11/22*

*<https://www.generationnext.com.au/2010/04/the-impact-on-children-of-sexualisation-in-the-media/>*

*I attach the above supporting information on the detrimental impacts of sexualisation in the media on children. The above information is also in relation to my complaint (case number 0259-22).*

## **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 inappropriate for display in a public space.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

### **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 woman’s facial expression was indicative of sexual pleasure. The Panel considered that the sexualised expression on the woman’s face in combination with the way the image had been cropped did create an impression that the woman was engaged in sexual activity.

#### **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 woman was posed in a sexualised manner and the advertisement did contain 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 woman was wearing lingerie with skin-coloured cut-outs and considered that this did constitute 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 considered that although the woman's nipples were not visible, the design of the underwear meant that a large amount of her breasts were visible and that this was a high level of nudity.

The Panel considered that the way the woman's head was tilted back, with her eyes closed and lips parted, was a sexualised expression. The Panel considered that the woman's facial expression was indicative of sexual pleasure. The Panel considered that the way the image had been cropped created the impression that something sexual was happening out of frame to cause the woman's expression. The Panel considered that this was a high level of sexual suggestion and sexuality.

The Panel considered that the high level of nudity and sexuality in this advertisement meant that the image did feature overtly sexual imagery which was not appropriate for display in a shop front window.

#### **Section 2.4 Conclusion**

The Panel determined 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 Section 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.