



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0286-20</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>7-Oct-2020</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 poster advertisement depicts two women wearing black lace bodysuits sitting on/pressed up against a man in a blue valet uniform.

### THE COMPLAINT

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

*I object to the display of this ad in a family friendly shopping centre. These are objectifying representations of women: both are posed with breasts exposed and pressed up against the man. The advertiser has not considered the all age audience which will view the ad, and has once again demonstrated defiance of community standards, and contributed to a culture that views women as objects.*

### THE ADVERTISER'S RESPONSE

*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 concern that the advertisement sexually objectifies the woman depicted and is unsuitable for display in a public shopping centre.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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 that the advertised product is lingerie and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

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.*

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the depiction of a woman in lingerie is one which most people would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that it had considered an advertisement depicting women in lingerie surrounded by men in suits in case 0514-17, in which:

*"The Board noted that there is a certain sexual connotation inferred in the image that the women are attending the party as entertainment for the men and that there is a strong level of sexual appeal as the women are dressed in lingerie. The Board noted that it is impossible to tell if the women are intended to be attending the party as colleagues or as strippers but in the Board's view there was an obvious imbalance between the men and the women.*



*“A minority of the Board felt that the women appeared confident and were not in a position that was in any way inferior to the men. The majority of the Board however considered that the depiction of an office party was suggestive that the adults in the image did work together and in the Board’s view the depiction of women in lingerie and men in suits at a work party was an imbalance that was a depiction that was lowering in character of the women and did purposefully debase or abuse a person for the enjoyment of others.”*

In the current case, the Panel considered that the storyline of the campaign is that the women are part of a group embarking on a world tour, and the image in the current advertisement is an afterparty. The women in the advertisement are the stars of the show and are the protagonists.

The Panel noted that the depiction of the women in lingerie was relevant to the product being advertised. The Panel considered that the women were not depicted in a vulnerable position and were not depicted as objects. Rather, the Panel considered that the women are depicted as the powerful focus of the advertisement and that the man in the advertisement is clearly an employee of the hotel – a bellboy. The Panel also noted that the man in the advertisement is not looking at the models. The Panel considered that there was no focus on a part of the women’s bodies that was not directly relevant to the product being promoted.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered the women were shown standing in a way which accentuated the product. The Panel considered that the depiction of women modelling lingerie was not a depiction which lowered the model in character or quality.

The Panel considered that the depiction of the models did not lower the character or quality of the models and did not use sexual appeal in a manner that was degrading of the models.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms,



particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction of a woman in lingerie is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel noted that the women are pressed up against the man, but considered that it was clear all parties were clothed. The Panel considered that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the depiction of the women wearing this style of lingerie was relevant to the product being promoted. The Panel considered that the lingerie being promoted was sexualised and that this did add an element of sexuality to the advertisement. The Panel determined that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement contains nudity.

The Panel noted that the women are not entirely nude, however considered that their cleavage was exposed and that the sheer material and lace style of the lingerie the women are wearing is partial nudity.

The Panel then considered whether the issues of sexuality and nudity were treated with sensitivity to the relevant audience.

The Panel noted that the lingerie worn in the advertisement is available for purchase at Honey Birdette, however considered that products must still be advertised in a manner that is suitable for advertising on the front window of a store that is located in a shopping centre.



The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'  
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears in store windows and considered that the relevant audience includes retail and service 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 be broad and would include children.

The Panel noted that recent research into community perceptions found that the general community were more conservative than the Panel's determinations relating to sexual imagery and nudity in advertising, and that the level of concern over nudity and sexualised content in advertising has been increasing over the last 10 years  
([https://adstandards.com.au/sites/default/files/2007-2017\\_community\\_perceptions\\_web.pdf](https://adstandards.com.au/sites/default/files/2007-2017_community_perceptions_web.pdf)).

The Panel considered that the pose of the woman was not overtly sexualised, and that although she was depicted with her leg slightly raised, this appeared to be an artistic pose rather than a sexualised pose.

The Panel considered that the pose of the woman was not sexualised and that the woman was appropriately covered. The Panel considered that children viewing the advertisement would view a woman standing in a comfortable pose in bright lingerie, and would not view the advertisement as sexualised.

The Panel considered that while the women were shown to be pressed up against the man, their pose is not sexual in any other way. The Panel considered that the overall impression of the advertisement is one of a party. The Panel considered that the level of sexuality in the advertisement is not inappropriate for a broad audience.

The Panel noted that the lingerie the women are wearing is sheer, and that their breasts are partially uncovered. The Panel considered however that this depiction did not show their nipples, and it is not the focus of the advertisement. The Panel considered that there is no explicit focus on their body parts, and the level of nudity in the advertisement is not inappropriate for a broad audience.



Overall the Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.