

Case Report

1. Case Number :	0286-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	25-Jan-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This store window advertisement features two women in underwear standing next to each other. The first woman is wearing a black lace lingerie set, and the second is wearing a gold chain lingerie set with gold nipple pasties.



THE COMPLAINT

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

I am concerned by the sexualisation of children by exposure to this sort of advertising. I am concerned that the message it sends to young boys and girls is that women are

sexual objects. I do not accept that it is empowering. This is an area where there are many young families. There is a place for this advertising, but it is not here.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Honey Birdette is a luxury lingerie retailer that shows women wearing lingerie in our advertising.

As a company led by women with a more than 80% female workforce, we support the empowerment of women and their right to pursue pleasure in a safe and inclusive environment. As such, we were disappointed to learn about this misinterpretation of our advertising.

In complaint 0286 I can only see that there has been one complaint and we would state that this showed women in lingerie not in any sexual pose that we feel could cause offence.

That said as we have moved into other ranges both posters have already been removed from our stores in line with the planned marketing timing.

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 but rather on the context of people at what appears to be a party. The Panel noted that tinsel and a bon-bon are visible in the background of the image.

The Panel noted that while one woman is shown to have an exposed breast with a nipple pastie, she is wearing a gold chained bra which covers the majority of her breasts and there was no particular attention drawn to this and overall there was no particular focus on the woman's body parts.

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

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 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 women.

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 are not engaging in sexual activity. The Panel considered that the advertisement did not contain a depiction of 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 considered that the image featured two people and there was no particular focus on either of the women or their body parts. The Panel considered that while they were dressed in a sexualised manner, the context of the advertisement was more in line with people at a party than engaging in sexual behaviour.

The Panel noted that one of the women’s breasts was exposed however noted that her nipple was covered by a pastie and she is wearing a gold chained bra which covers most of her breasts. The Panel noted that the overall scene was similar to what would be seen in stylised high fashion images, and that these types of images were not overtly sexual.

The Panel considered that the sexualised nature of the advertisement came from the products being advertised and that the women’s poses and the context of the advertisement were not overtly sexual. The Panel considered that it is reasonable for an advertiser to feature their products in an advertisement, so long as the depiction of those products is not overtly sexual.

The Panel noted that the advertisement appeared to be set at night and the colours were dark and muted and the advertisement would not attract the particular attention of children.

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.