



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0312-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	21-Oct-2020
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 poster advertisement features an image of a woman from the nose down. She is wearing a leopard print bra, garter belt and underpants. She is also wearing a choker collar with a chain connected from it to a cuff on her wrist. Text on screen states "Kukuro".

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*This is classic objectification: the woman is shown as a collection of body parts - not as a whole person. Indeed she's not presented as a person at all but as an animal to be restrained and choked. I object to this floor-to-ceiling window display in my community on the basis that it is a degrading representation of women. Its audience includes children who should not be forced to view sexualised, BDSM-themed imagery or to try and make sense of a woman bound by a dog collar and leash. I'd like this publicly displayed ad removed immediately*

*I appreciate people are free to buy sex props but they should not be on display and promoted in posters in a place where hundreds of children see them daily. How is this*



*any different to a sex shop which must have a 18+ restriction? I think it's incredibly unhelpful to portray sex this way to pre pubescent children.*

*Honey Birdette is advertising their bondage range. The advertising sexually objectifies women, once again presenting the woman as a sexual object without an identity (see the photo that trims the top of her head.)*

*There is something seriously sick about people who choose to expose children to advertising like this, both Honey Birdette and Westfield included.*

*This type of advertisement objectifies women and young girls. Studies show that exposure to sexual objectification has been linked with depression, eating disorders, and low self-confidence. These posters are displayed in shopping centres where families with young children need to walk by as well as impressionable teens particularly young girls.*

#### **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 complainants' concern that the advertisement:

- Is objectifying of women
- Shows a woman without a head which treats her as a sexual object without an identity
- Shows a woman as a collection of body parts instead of a person, an animal to be restrained and choked
- Is degrading of women
- Is inappropriate for children to view
- Features BDSM themed imagery.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

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 considered that the woman was posed in a confident manner consistent with fashion modelling and that she was not posed in a way that could be considered submissive or with an imbalance of sexual power. The Panel considered that the focus of the advertisement was on the style of lingerie being sold, and not on the woman's body parts.

The Panel noted concerns that the dog collar style choker represents the woman as less than human.

The Panel noted that they had considered an image of a similar style of lingerie in case 0056/18 in which:

*“The Board considered that the advertisement is slightly more sexualised than typical lingerie and that it is almost more of a costume than something you would wear under clothing. The Board considered however that this is a style of lingerie sold by the store and it was reasonable for the store to depict it in their advertising. The Board considered that the collar around the woman's neck was part of the lingerie, and did not appear to restrict the woman or suggest that it was a restraint of any kind.*

*“The Board considered that collars and chokers are common in current fashion and do not necessarily have a fetish suggestion... The Board considered that while some people may consider the use of lingerie with a choker exploitative, in the Board's view the depiction did not debase the woman.”*

Similarly, in the current advertisement the style of lingerie worn by the woman is sold by the store and it is reasonable for the store to depict it in their advertising. The



Panel considered that the collar around the woman's neck was part of the lingerie, and did not appear to restrict the woman or suggest that it was a restraint of any kind. It shows the woman – not another person - holding the chain connected to the collar. The Panel considered that collars and chokers are common in current fashion and the depiction of a woman wearing lingerie with this style and design is not a depiction which was suggesting that the woman was an object or commodity or belonging to or under someone else's control.

The Panel considered that the focus of the advertisement was on the style of lingerie being sold and that there was no focus on the woman's body parts. The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of the woman.

The Panel noted concerns that the woman is depicted without a head which reduces her to a sexual object.

The Panel considered that the advertisement did only depict the woman from the below her nose, but that part of her face is visible.

The Panel noted it had previously considered an image of a woman whose face had been cropped out in case 0086/17, in which:

*“The Board noted that the advertisement was for a plumbing service. The Board noted that the woman was wearing only a tool belt positioned over her pubic region and the iPad over her breasts. The Board considered that the use of the woman in addition to her naked breasts being covered only by the iPad was an image that was sexualised and that it had no direct relevance to the product/service... the Board however, considered that the image was exploitative and by not including the face and/or head of the woman was lowering her in character and reducing her only to a set of breasts for the promotion of a service. On balance the lack of relevance of the image and the level of nakedness did amount to an image that was exploitative and degrading.”*

Unlike case 0086/17, in the current advertisement the Panel considered that the depiction of a woman in lingerie was relevant to the product being promoted. The Panel considered that the image had been cropped to show the woman's face from the lips down, and the effect of this was to show that the focus was on the product, not the woman's body.

The Panel considered that the advertisement did not depict the woman as an object or commodity. The Panel considered that the advertisement did not draw particular focus or attention to any particular body part, and that the depiction of the woman in lingerie was relevant to the product being promoted. The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of the woman.

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

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 considered whether the advertisement contained 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 noted that the woman was posed wearing lingerie and considered that such a pose and such attire was not a depiction of sexual intercourse or sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.

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 considered that the image refers to sexual matters by being a store for sexy lingerie and that the image of the women posed in a manner that suggests she is showing off the sexy lingerie is a depiction of the woman expressing her sexuality.

The Panel considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

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 that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted. The Panel considered that although it is



reasonable for an advertiser to depict the product being promoted, the depiction must not be gratuitous and should be treated with sensitivity to the relevant audience.

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 noted 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 concept of how subtle sexual suggestions 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 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 while the style of the lingerie is sexualised, the woman's pose is confident and not inherently sexually suggestive. The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by some people shopping in the centre, including those with young children, however in this instance the Panel considered that there was no sexual messaging or themes in the advertisement which would make it confronting for these audiences. The Panel considered that young children would be unlikely to view this advertisement as sexually suggestive, and the most likely interpretation by this audience would be of a woman posing in underwear that is available for sale in the store. The Panel considered that the advertisement was sexually suggestive due to the nature of the product, but not highly sexually suggestive and that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

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 that partial nudity is a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted that the woman is not nude, but considered that the depiction of women in lingerie can be considered by some members of the community to be partial nudity.

The Panel then considered whether the advertisement treated the issue of nudity with sensitivity to the relevant audience.



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 that the style of lingerie worn by the model fully covered her breasts and genitals. The Panel considered that while an image of someone in their underwear could be considered nudity by some members of the community, most members of the community would consider it reasonable for an advertiser to depict their products being worn so long as the level of nudity in the advertisement was in line with community standards. The Panel considered that the level of nudity would not be considered confronting to shoppers, including children.

The Panel considered that this advertisement did treat the issue of 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 complaints.