



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0312-21
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	10-Nov-2021
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 contains two images featuring the lingerie style “George”.

Image 1 depicts a woman in a black bra and underpants wearing a collar with a chain. The chain is tight and horizontal but how it is being held up is not shown.

Image 2 depicts a woman in a black bra and underpants wearing a collar with a chain. The chain is relaxed and the woman is holding a crop. There appears to be a person behind her, holding a crop across the first womans upper chest.

THE COMPLAINT

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

The ad comes from a broader campaign called ‘So kinky’ which can be viewed in full at the advertised URL. It is reprehensible that this Playboy owned sex shop chain is permitted to advertise this bondage-themed porn style campaign to all ages shopping centre audiences which include children. Women are human beings- not animals. This ad is degrading to and dehumanising of women. That this is presented as “kink” in the public space is to trivialise this degradation and dehumanisation. Absolutely indefensible.



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 concern that the advertisement:

- is degrading and dehumanising of women
- is porn-themed and inappropriate for children to view.

The Panel viewed the advertisement and noted the advertiser did not provide 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 both versions of the advertisement depict a woman in black lingerie wearing an animal mask with a leather collar and chain attached around her neck. The Panel considered that these images contain 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 and considered that it was reasonable for the woman to be depicted wearing that product in the advertisement. The Panel noted that the woman was an active participant in the scene. In the first image there is a strong impression that the woman is holding the chain herself due to her arm being held out parallel to the chain, and in the second image the chain is hanging loose. The Panel noted that there is another woman who can be seen in the background of the second image, holding something across the chest of the first woman. The Panel considered that the context of the scene is unclear, but it does not appear as though the woman is being



restrained or used as an object by the second woman. The Panel considered that the woman herself is not depicted as an object or commodity.

The Panel considered that while the woman is wearing lingerie and a collar the focus of the advertisement is not irrelevantly on her body or body parts but rather on the products.

The Panel considered that 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 woman was relevant to the promotion of lingerie and the products available for purchase at Honey Birdette and this did not lower the women in character or quality.

The Panel noted that there is no suggestion that she is being forced to wear a collar or any suggestion that she is in pain or discomfort.

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

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 woman is not engaging in sexual activity, rather is posed in a manner to show off the sexualised product. The Panel noted that in the second advertisement there is a second woman, however the two are not embracing or interacting in an explicitly sexualised way. The Panel considered that the advertisement did not contain 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 considered that the woman was wearing lingerie, a mask and a collar 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 the woman in the advertisement is depicted in lingerie, and considered that this is 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 video 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 noted that the images appeared as part of a slideshow on a television screen in the front window of the store. The Panel considered that each image was shown for several seconds and anyone walking past the store would most likely only see one of the images. The Panel considered that the length of advertisement enabled the audience to focus on the scenario depicted, and that that scenario was one which was indicative of sexualised conduct. The Panel noted the woman was wearing a mask which was similar in style to superhero mask, and this may attract the attention of children.

The Panel considered that this advertisement was more sexualised than many advertisements. In particular, the Panel noted the pose of the model in the first image showing her reclining with a collar she is wearing being pulled tight, and her lingerie which is of a bondage style. The Panel noted that the second image also depicted the woman wearing a collar and holding a whip or flogger, and the second woman in the image was also seen holding a whip across her chest.

The Panel considered that the depiction of a woman in BDSM style lingerie wearing a collar typically associated with fetish-wear was overtly sexual. The Panel considered that the combination of the BDSM style lingerie, the collar and other paraphernalia amounted to a strong suggestion of sexual activity which most members of the community would find confronting and inappropriate to be displayed in a shopping centre window.

Section 2.4 Conclusion

The Panel determined that 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.