



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0313-21
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 :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a woman wearing a black strapless top and black skirt. She is holding a crop. The lingerie style is titled George.

THE COMPLAINT

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

The still shot is taken from a BDSM-porn style campaign called 'So kinky' which can be viewed in full at the URL featured in the ad. This ad is a cropped version of a wider shot in which the featured model is posed alongside another woman in black bondage wear including spreader bar. The riding crop is positioned on the bound woman's calf. It is reprehensible that this global porn empire Playboy-owned sex shop chain is permitted to present these pornified, bondage themed representations of women to children in the public space.

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 presents pornified, bondage themed advertising to be displayed in a location where children can view it.

The Panel viewed the advertisement and noted the advertiser did not provide 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 noted the complainant's concern that this image had been cropped from a wider image which featured the woman interacting with another person. The Panel noted that it can only consider the image as it would be seen by the relevant audience, and in the image the woman is on her own and not visibly interacting with anyone. The Panel considered 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 noted the advertisement featured a woman in black, bondage-style clothing who is holding a riding crop. The Panel considered that the advertisement contained 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 is depicted as wearing a black skirt and corset top and that her breasts, genitals and thighs were fully covered. The Panel considered that the advertisement did not contain nudity.

Is the issue of sexuality 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 woman is holding a riding crop, but the end is not visible in the image and some members of the relevant audience may not be able to tell what it is. The Panel noted that the woman is depicted in profile with one leg



forward and bent, however this pose was not overly sexualised and did not create a focus on her body or any particular body part. The Panel considered that her pose is not inappropriately sexualised. The Panel considered that such an image is not inappropriate for a display in a shopping centre where the relevant audience is broad and would include children.

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.