



Ad Standards Community Panel
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Case Report

1. Case Number :	0327-21
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	24-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 on a TV in the front window of a store features a still image of a woman in pink lingerie. She is posed squatting and leaning forward. She is wearing a collar with a chain pulling away from it, out of frame.

THE COMPLAINT

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

Bdsm-"kink" porn themed ads, displayed on a digital screen in Playboy Group owned brand Honey Birdette shop windows, Forrest Chase, Perth CBD, November 1. All are from a campaign called 'So kinky'. All are objectifying and degrading of women and entirely inappropriate for display in the public space which belongs to everybody - not to this Playboy owned sex shop. Note the scale of the size of these ads, with reference to the life-size mannequin to the right of screen. No corporate has the right to expose a non-consenting audience which includes children to its pornographic ads. This is a demonstration of corporate paedophilia, corporate grooming and corporate sexual harassment.

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 concerns that the advertisement:

- is objectifying of women and degrading to women
- is inappropriate for display in a public space.

The Panel viewed the advertisement and noted the advertiser had not provided 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 the advertisement depicts a woman in lingerie wearing a collar with a chain attached, which is being pulled taut out of frame. The Panel considered that this image does contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the advertisement is for lingerie and fetish products available at Honey Birdette and considered that it is reasonable for the woman to be depicted wearing the products in the advertisement. The Panel considered there is no irrelevant focus on the woman's body or body parts.

A minority of the Panel considered that the woman appeared to be voluntarily taking part in a consensual act between two people and as the second person is not depicted there is no visible power imbalance. A minority of the Panel considered that the use of a collar and chain alone does not amount to a depiction of the woman as an object or commodity.



The majority of the Panel considered that the depiction of the woman wearing a collar, with the suggestion that an attached lead was being pulled by someone else, was a depiction which strongly suggested that the woman is under the control of someone else. The Panel considered that the advertisement contained a suggestion that the woman is being treated as property and this is a depiction of the woman as an object or commodity.

The Panel considered that the advertisement does 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 is relevant to the promotion of lingerie and the products available for purchase at Honey Birdette and this in itself does not lower the woman in character or quality.

The Panel considered that the advertisement suggested that the woman is an object to be used for the enjoyment of another person and that this suggestion does lower the woman in character or quality.

The Panel considered that the advertisement does employ sexual appeal in a manner which is degrading to the woman.

Section 2.2 conclusion

Finding that the advertisement did employ sexual appeal in a manner which is exploitative and degrading of an individual or group of people, the Panel determined that the advertisement did 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 fully clothed, depicted alone and not clearly engaging in sexual activity. The Panel considered that the advertisement does 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 is wearing lingerie and a collar and considered that there is 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 sex, 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 noted that it is not known how long the image appeared on the screen, however it was likely that it would not be considered fleeting by most members of the community. The Panel considered that the size of the advertisement enabled the audience to focus on the scenario depicted, although the detail of each image may not be seen by everyone walking past.

The Panel noted that it had upheld complaints about a similar issue in case 0147-21, in which:

“The Panel considered that this advertisement was more sexualised than many advertisements. In particular, the Panel noted the pose of the model showing her lying down and pulling on a collar she is wearing, and her lingerie which is of a bondage style.

The Panel considered that the depiction of a woman in BDSM style lingerie pulling on a collar typically associated with fetish-wear was highly sexually suggestive. The Panel considered that the combination of the BDSM style lingerie and the collar 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.”

A minority of the Panel considered that consistent with the previous determination, the current advertisement’s depiction of BDSM style lingerie and the collar amounted to a strong suggestion of sexual activity which most members of the community would consider inappropriate to be displayed in a shopping centre window.

The majority of the Panel considered that unlike the depiction in case 0147-21, in the current case the lingerie worn by the woman is a light pink and the muted colour does not attract attention and the BDSM nature of the scene is not immediately clear. The Panel considered that many people walking past the window would only see a woman in light-coloured lingerie and would not focus on the collar or chain around the woman’s neck. The Panel also considered that unlike the previous case, the current advertisement is a still image which would be less likely to attract attention, the woman is not lying down and the lingerie is pink and not in a strongly BDSM style.

The Panel considered that the advertisement does not feature overtly sexual imagery.

Section 2.4 Conclusion



The Panel determined that the advertisement did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.2 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.