



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

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Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0328-21</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Out of Home</b>
<b>5. Date of Determination</b>	<b>24-Nov-2021</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Not Modified or Discontinued</b>

### 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 wearing red latex tights and gold nipple pasties. Behind her is a topless man in a pig mask.

### 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 red latex tights and nipple pasties, standing next to a man in a pig mask, underwear and silver boots. 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 was for 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. The Panel noted the man in the advertisement is only wearing underwear, however there is no focus on the man's body or body parts.

The Panel considered that the man and woman's outfits in combination with the balloons and decorations in the background led to the overall impression that they are at a costume party. The panel considered that neither the man or woman appeared as though they are objects or commodities.



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

### **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 in itself does not lower the woman in character or quality. The Panel considered that the depiction of the man was consistent with the party theme of the advertisement and he also is not lowered in character or quality.

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

### **Section 2.2 conclusion**

Finding that the advertisement did not 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 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 although the man and the woman are depicted interacting, they are not engaging in sexual intercourse or sexual behaviour. 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 man and woman are both in costumes which are revealing and 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 wearing nipple pasties 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 considered a similar image for the same advertiser in case 0150-19, in which:

*“The majority of the Panel considered that the black pasties on the woman’s nipples drew attention to her breasts and that therefore the image is highly sexually suggestive. The majority considered that although the woman’s nipples are technically covered, the shape of the pasties is the same as nipples and the remainder of the woman’s breasts are still clearly visible through the sheer fabric. The majority of the Panel noted that the pasties and the bodysuit are both products available for purchase at Honey Birdette, however considered that products must still be advertised in a manner that is suitable for advertising on the front window of a store that is located in a shopping centre...The majority of the Panel considered that many people in the community, including those who would view this advertisement, would find it confronting for an advertisement to feature images which focus on a woman’s breasts in advertising, even when these depictions are obscured by sheer fabric or other products. The majority of the Panel considered that the advertisement did not treat the issue of sexuality with sensitivity to the relevant audience.”*

The Panel noted that a large portion of the woman’s breasts could still be seen, although her nipple was covered. Consistent with the determination in case 0150-19, the Panel considered that many people in the community would find the level of nudity in the current advertisement to be confronting and inappropriate for display to a broad audience which would include children. The Panel considered that the bright colours and use of animal imagery in the advertisement would attract the attention of children.

Overall, the Panel considered that the advertisement features overtly sexual imagery which was not appropriate for public display.

#### **Section 2.4 Conclusion**

The Panel determined that the advertisement 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.