



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0329-21
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
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

This advertisement on a TV in the front window of a store features a still image of two women in red lace lingerie. One of the women is standing behind the other, and she is wearing a blindfold which features the words "Tease me. Fuck me."

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 two women in red, lace lingerie. 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 women to be depicted wearing the products in the advertisement. The Panel considered there is no irrelevant focus on the women's bodies or body parts.

The Panel noted that one of the women is wearing a blindfold which features the words, "Tease me. Fuck me". The Panel considered that the use of the blindfold presents the woman in a more vulnerable position, and this in combination with the wording on the blindfold is a strong suggestion that the woman is an object or commodity available to be used.



The Panel considered that the advertisement does employ sexual appeal in a manner which is exploitative of the woman in the blindfold.

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

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

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

The Panel considered that the advertisement does employ sexual appeal in a manner which is degrading to the blindfolded 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 women are 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 women are wearing lingerie and interacting with each other 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 women in the advertisement are 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 advertisement enabled the audience to focus on the scenario depicted, although the detail of the image may not be seen by everyone walking past.

The Panel noted that the woman on the right of the advertisement is facing away from the woman on the left, however she is reaching backwards to touch her thigh. The Panel noted the woman on the left is standing very close to the woman in front and is touching her arm. The Panel considered that even though the women are not embracing they are interacting in an intimate way.

The Panel considered that the depiction of the women in lingerie, interacting in an intimate way, with one of the women wearing a blindfold with the words “Fuck me” on it, combine to create an image which is overtly sexualised.

The Panel considered that the advertisement does feature overtly sexual imagery and the imagery is not appropriate for display in a shop front 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.

Section 2.5: Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The Panel noted the advertisement is in a shop front window and that the relevant audience would be broad and would include children.

The Panel noted that it had consistently determined that the word “fuck” written in full was strong and obscene and is inappropriate in advertising to a broad audience (0074-21, 0156-20, 0063-19, 0002-19, 0530-18, 0276-18).

Consistent with the previous determinations, the Panel considered that the word “fuck” in the current advertisement is not appropriate for a broad audience and would be considered strong and obscene language by most members of the community.

The Panel noted that in combination with the imagery in the advertisement the language is used in a sexually explicit way and is not appropriate for display in shop front windows.

Section 2.5 conclusion



The Panel determined that the advertisement did contain strong or obscene language and did breach Section 2.5 of the Code.

Conclusion

Finding that the advertisement did breach Sections 2.2, 2.4 and 2.5 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.