



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 :	0331-21
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 two women standing on a street at night. The woman on the right is wearing a black skirt and corset top and the woman on the left is wearing black lingerie and her legs are held apart by a spreader bar. The first woman is holding a riding crop with the end pressed against the buttock of the second woman.

### 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 black leather lingerie and clothing, with one hitting the other with a riding crop. 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.

A minority of the Panel considered that the depiction of the woman on the left with her feet separated by a spreader bar and being hit with a riding crop was a clear depiction of a power imbalance between the women. A minority of the Panel considered that the advertisement contained a suggestion that the woman is being treated as an object to be used for sexual pleasure.



The majority of the Panel considered that the behaviour was depicted in public and the woman on the left had her head turned to face the viewer and clearly appeared to be posing. The Panel considered that the depiction is playful and showed two people equally participating in posing for the camera and is not a depiction of a power imbalance or one person using another.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of the women.

### **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.

A minority of the Panel considered that the advertisement suggests that the woman on the left 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 majority of the Panel considered that the two women are posing in a playful way for the camera and are equally participating in the behaviour. The Panel considered that this depiction does not lower the women in character or quality.

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

### **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 women are not engaging in sexual intercourse, but the behaviour depicted is a behaviour which would commonly be associated with sexual activity. The Panel considered that the advertisement does 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 sexualised clothing and using fetish gear and 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 on the left of 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 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 the advertisement features both a riding crop and spreader bar being used, and that most members of the community would consider the depiction of fetish gear being used in combination with a woman wearing lingerie to be overtly sexual.

The Panel considered that the image is overtly sexual and not appropriate for the relevant broad audience which would likely include children.

#### **Section 2.4 Conclusion**

The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant 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.