



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 :	0332-21
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 topless women. The woman in the centre is wearing red latex briefs and stockings and a red collar with a chain attached. She is covering her breasts with her hands. The woman behind her is only visible from the torso upwards. Her breasts are hidden from view behind the first woman. The first woman is standing with her legs apart and a man in a rabbit mask and harness is crawling between her legs.

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 topless women. 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 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 while there are two people with animal heads depicted in the advertisement, they are at the edges of the image and there is no focus on their body parts.



The Panel considered that the women in the advertisement are depicted in a confident manner, clearly posing for the photo, and are not posed in a manner suggesting that they are objects to be used.

The Panel noted that the woman on the right is depicted wearing a collar and lead, however the lead is not pulled taut and there is no indication that the woman is being pulled by it or is under the control of any other person.

The Panel noted that the man with a rabbit head is seen on the ground crawling between one of the women's legs. The Panel considered that overall impression of the advertisement is of a burlesque nature and that the people are performing in a show or participating in a party, and not that any one person is an object or commodity.

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

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 two women and man are posing in a playful way for the camera and are shown as equally participating in the behaviour. The Panel considered that this depiction does not lower the women or man in character or quality.

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

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 people in the advertisement are not engaging in sexual intercourse. 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 and man 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 women depicted are topless, with their breasts covered, 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 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 the advertisement features topless women, and although their nipples can not be seen the sides of the breasts and exposed skin meant that there is a high degree of nudity. The level of nudity in combination with the use of a collar and lead, lingerie and a man in a fetish outfit crawling between one of the women’s legs creates an overall impression of an overtly sexual image.

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.