



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0336-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	11-Nov-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This poster advertisement features an image of a woman in a red body suit. She is standing next to a man dressed as a devil who has his mouth open near her cheek, and one hand reaching for her neck. Superimposed over the image are the words, "Carter 666 Club".

THE COMPLAINT

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

This image is not appropriate for public display or for an audience that includes children. It is both highly sexualised and strongly suggestive of violence against women. The devil's mouth is open wide as though he is about to bite the woman and his hand is reaching for her neck. This is within a context where the rise of men choking women during sex has been documented through research, finding that women are being choked without warning by male partners during sex, and that more women report feeling frightened during sex on this basis. The woman is depicted as passive, responding neutrally. The image eroticises men's predation on women. It will also likely be frightening or upsetting to small children. Honey Birdette have continually demonstrated their contempt for children in exposing them to highly



sexualised and pornified imagery despite global research documenting the various harms to children.

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:

- Depicts the woman passively and eroticises men's predation on women
- Is strongly suggestive of violence against women
- Would likely be frightening or upsetting to small children
- Is highly sexualised and not appropriate for an audience that includes children.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

Section 2.2: Advertising or marketing communications 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 the advertisement depicted a woman in lingerie interacting with a male dressed as the devil. The Panel considered that the advertisement did contain sexual appeal.

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

The Panel noted that the woman in the advertisement was not restrained and was reaching one hand up to caress the devil character's face. The Panel considered that the advertisement did not suggest the woman was an object or commodity or as



inferior to or the property of the devil character. The Panel considered that the focus of the advertisement was on the lingerie being worn by the woman and there was no focus on the woman's body parts.

The Panel considered that the advertisement did not 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 interacting with the devil character was an image which was relevant to the store's Halloween promotion and this did not lower the woman in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to 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 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for the Code includes: *"Sexual violence is not acceptable... The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code."*

Does the advertisement contain violence?

The Panel noted that there is no definition of violence in the Code or the Practice Note.

The Panel considered that the advertisement featured a devil character which appeared to be about to bite the woman and put his hand around her neck, and this was a depiction which could be considered to be menacing.

Is the violence justifiable in the context of the product or service advertised?

The Panel noted that the product being advertised is lingerie and the advertisement's theme was related to the Halloween promotion for the business.

The Panel noted the woman did not appear distressed by the devil character's actions. The Panel noted that her hand was caressing the devil's face and she did not appear to be struggling or wanting to leave the situation. The Panel considered that the menace in the advertisement was mild.

The Panel considered that the devil character's actions were consistent with his character and the Halloween theme of the advertisement and were not suggestive of domestic abuse or violence against women.



Section 2.3 conclusion

In the Panel's view the low level of menace portrayed in the advertisement was justifiable in the context of the promotion advertised and did not breach Section 2.3 of the Code.

Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that while the woman and the devil character were interacting, there was no indication that they were engaging in sexual intercourse. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel noted that the devil character and woman were posed intimately. The Panel noted that the woman was wearing lingerie and considered that there was a sexual suggestion to the advertisement.

Does the advertisement contain nudity?

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'.

The Panel noted that the advertised product is lingerie and the woman is portrayed wearing the product. The Panel considered that while the woman's genitals and entire



breasts are not exposed, some members of the community would consider the depiction of a person in lingerie to constitute partial nudity.

Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’ (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive 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 considered that the lingerie worn by the woman covered her full breasts and genitals, and the level of nudity in the advertisement was not inappropriate for the relevant broad audience.

The Panel noted that the advertisement featured a woman posed with a devil as part of a Halloween promotion. The Panel considered that while the devil character and woman were posed intimately, the pose was not overly sexualised or inappropriate for a broad audience. The Panel considered that the actions of the devil reaching for her neck and leaning in to bite her are in the context of the Halloween theme and are not overly sexualised or inappropriate for the relevant broad audience.

The Panel considered that the level of sexuality and nudity in the advertisement was appropriate for the relevant broad audience.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.