



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0344-19
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	23-Oct-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This poster advertisement features a model in black bralette, brief, garter belt, posed standing, surrounded by men in suits. The word 'Claudine' is superimposed over the image.

THE COMPLAINT

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

This is a demeaning portrayal of a woman as a sex object, diminished in value, power and status by comparison with the men she is surrounded by.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

....



How is this demeaning? How is she diminished in value, power and status in comparison with the bodyguards surrounding her? There to protect

To simplify it ... Sarah Stevens is surrounded by Security Guards in a shoot called Bodyguard which is why the lovely gents are wearing suits and security earpieces, based in the starlet location in Hollywood. It's fairly obvious and one of our most tame campaigns.

Sarah Stevens is from the high profile One Management agency based in New York. She previously modelled for many lingerie companies world-wide in similar products. She is also a model that is empowered by the product that she is wearing and that we sell in-store. In order to sell it (like any other retailer) we need to show it.

If a model in an advertisement is confident it doesn't automatically mean that she is "demeaned" or "undervalued" or lacking in "power". As far as I am aware I didn't open shops in Saudi Arabia where women are forced to cover up to protect themselves from men's dirty thoughts.

It means that she is simply a model advertising lingerie for a lingerie store and is not ashamed to be confident or empowered. Referring to her as a sex object is highly offensive to the model, to women, and to 2019. You would see more skin at the beach.

Why are we teaching young girls and women to be ashamed of their bodies? The female form not a matter of vulgarity or indecency.

We are here to empower women and we are going to continue to do that.

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 concern that the advertisement is a demeaning portrayal of a woman as a sexual plaything.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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 complainant's concern that the advertisement is demeaning of the woman.



The Panel noted that the advertised product is lingerie and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

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.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the depiction of a woman in lingerie is one which most people would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that it had considered an advertisement depicting women in lingerie surrounded by men in suits in case [0514-17](#), in which:

“The Board noted that there is a certain sexual connotation inferred in the image that the women are attending the party as entertainment for the men and that there is a strong level of sexual appeal as the women are dressed in lingerie.

The Board noted that it is impossible to tell if the women are intended to be attending the party as colleagues or as strippers but in the Board’s view there was an obvious imbalance between the men and the women.

A minority of the Board felt that the women appeared confident and were not in a position that was in any way inferior to the men.

The majority of the Board however considered that the depiction of an office party was suggestive that the adults in the image did work together and in the Board’s view the depiction of women in lingerie and men in suits at a work party was an imbalance that was a depiction that was lowering in character of the women and did purposefully debase or abuse a person for the enjoyment of others.”

In the current case, the Panel considered that the woman was depicted as the heroine in the advertisement – as the star being protected by bodyguards. Her depiction in lingerie was relevant to the product being advertised. The Panel considered that the woman was not depicted in a vulnerable position and was not depicted as an object or commodity.



Rather, the Panel considered that the woman is depicted as the powerful focus of the advertisement and that the men in the advertisement are clearly bodyguards and are in her employ or service. The Panel also noted that the men in the advertisement are not looking at the model, but rather outwards to see what is happening around the woman. The Panel considered that there was no focus on a part of the woman's body that was not directly relevant to the product being promoted.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered the woman was shown standing in a way which accentuated the product. The Panel considered that the depiction of a woman modelling lingerie was not a depiction which lowered the model in character or quality.

The Panel considered that the depiction of the model did not lower the character or quality of the model and did not use sexual appeal in a manner that was degrading of the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel considered whether the advertisement contained sex, sexuality or nudity.

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 noted that the woman was posed wearing lingerie and considered that such a pose and such attire was not in itself a depiction of sexual intercourse or sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement depicted 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 for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.



The Panel considered that the image references sexual matters as it is a promotion for a store that sells lingerie in a wide variety of styles and that the image of the woman posed in a manner that suggests she is showing off the lingerie is a depiction of the woman expressing her sexuality.

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.”

The Panel considered that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted. The Panel considered that although it is reasonable for an advertiser to depict the product being promoted, the depiction should be 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 noted that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ is a concept requiring 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 suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears in store windows and considered that the relevant audience includes retail and ancillary services 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 in a shopping centre environment it is not unusual to have retailers who promote women’s lingerie and clothing and that visitors to the centre would expect to see a range of stores selling products directed to the wide variety of adults, children and young people.

The Panel considered that while the style of the lingerie is sexualised, the woman’s pose is not sexually suggestive just because she is wearing lingerie. The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate to be advertised in public facing areas by some people shopping in the centre, including those with young children. However in this instance the Panel considered that there was no sexual messaging or themes in the advertisement and



that the woman is posed in a manner which shows off the lingerie but is not focused on her body parts or suggesting partial nudity.

The Panel considered that young children would be unlikely to view this advertisement as sexually suggestive, and the most likely interpretation by this audience would be of a woman posing in underwear that is available for sale in the store and that is highly valued. The Panel considered that the advertisement was sexually suggestive due only to the nature of the product, and that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

The Panel considered whether the advertisement contained nudity and 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 considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel noted that the woman is not entirely nude, however considered that the woman's cleavage was exposed and that the sheer material and lace style of the lingerie the woman is wearing is partial nudity.

The Panel then considered whether the advertisement treated the issue of nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code provides:

"Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable."

The Panel considered that the woman's genitals were not visible and that the women's breasts were covered by the product and not the focus of the advertisement. The Panel considered that there was no nudity other than that which was expected from being depicted wearing lingerie. The Panel considered that this did treat partial nudity in a manner that is sensitive to a broad audience. The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and in the Panel's view the advertisement did not breach Section 2.4 of the Code.

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