



Ad Standards Community Panel
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Case Report

1. Case Number :	0381-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	20-Jan-2021
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 two women in purple lace lingerie and the words 'Whitney Indigo'. The woman in the foreground is biting a cookie.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

This ad is male fantasy porn themed objectification 101. It is highly sexualised - the woman in the foreground is in tiny briefs which are completely sheer and reveal her genitals despite the text in the foreground. This ad is inappropriate for public display. We do not see ads featuring men in sheer briefs with genitals exposed. Why is it standard for this advertiser to portray women this way? And why do they get away with it?

THE ADVERTISER'S RESPONSE

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

The complaints all refer to our Christmas campaign. Given the unprecedented nature of 2020 we wanted to create a campaign that truly represented Christmas; Santa,



presents and a bit of fun! There is nothing in any of our ads that contains confronting, sexualised or offensive imagery.

The ad referred to here has two models posing in our Whitney range and in no way representative of a porn theme fantasy. The model is eating a Gingerbread man – something that once again is depictive of the season. The model in the background is upset as she didn't get one. Anything further read into this is not in the control of Honey Birdette.

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:

- Objectifies the women as male fantasy porn
- Is highly sexualised
- Features women in sheer underwear which reveal her genitals.

The Panel viewed the advertisement and noted the advertiser's 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 two women in sexualised lingerie and considered that the image did contain sexual appeal.

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

The Panel noted that the advertisement featured two women in sheer and purple lingerie, and the woman in the foreground is eating a biscuit. The Panel considered that the clear focus of the advertisement is on the lingerie being sold, and the advertisement does not present the women as objects or commodities. The Panel noted that the advertisement was for a lingerie product, and it was reasonable for the women to be depicted wearing that product in the advertisement. The Panel considered there was no irrelevant focus on the women's bodies or body parts.



The Panel considered that the advertisement did 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 in was relevant to the promotion of lingerie and this did not lower the women in character or quality.

The Panel considered that the advertisement did 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 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 the women and not touching or interacting and 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 considered that the women were wearing lingerie and there was a sexual element 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 women are portrayed wearing the product. The Panel considered that while the women’s genitals and nipples are not exposed, some members of the community would consider the depiction of a person in sheer 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 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 style of lingerie worn by the women was sheer and that a lot of the women’s bodies could be seen. The Panel noted that the woman in the background was out of focus, and that while the lingerie had a low neckline the woman’s full breasts and genitals could not be seen. The Panel noted that the woman in the foreground was wearing a bra which was mostly sheer, however considered that there was no clear outline of the woman’s nipples and that her breasts were partially covered by lace material. The Panel noted the complainant’s concern that the woman’s genitals were visible. The Panel noted that the style of lingerie worn by the woman was sheer, however a combination of shadow and superimposed text meant that the woman’s genital area was mostly covered. The Panel considered that a part of the woman’s pubic mound may be visible but this was not clear and was not the focus of the advertisement. Overall, the Panel considered that the level of nudity in the advertisement was not inappropriate to be seen by a broad audience.



The Panel considered that the poses of the women were relaxed and not sexually suggestive and that the overall advertisement was not highly sexually suggestive. The Panel considered that the depiction of women in lingerie was appropriate for a promotion for a lingerie store.

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.