



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0382-20
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 a woman in red lingerie sitting with her legs apart, leaning forward on her arms between them. The word 'Madame' is superimposed over the image.

THE COMPLAINT

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

This ad is highly sexualised and porn style. The woman is posed spread legged, leaning with breasts pushed forward. Her head is tilted back and to the side and her lips are parted. The product name 'Madame' (traditional term for brothel owner or pimp) comes across as a flag to the exploitative prostitution trade. Women are not commodities. This ad suggests the woman is being pimped, that she's for sale. This messaging is harmful to women, and research shows that women do not feel safe where imagery and messages like this are displayed. The women in my community deserve to feel safe as we go about our business in this shopping centre. The ad is inappropriate for display in my community where an all age, non consenting audience is forced to view 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 complaint refers to our use of 'Madame'. Please note this is the name of a set that we have sold more than 10 times in different colourways. 'Madame' is actually a French title of respect equivalent to "Mrs."

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:

- Features the word 'Madame' which is a traditional term for a brothel owner and suggests the woman is a commodity
- Is highly sexualised and inappropriate for a broad shopping centre audience.

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 a woman 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 features a woman in red lingerie sitting with her legs apart, leaning forward on her arms between them. The word 'Madame' is superimposed over the image.

The Panel noted the complainant's concern that the word 'madame' had a historical meaning of a brothel owner and the advertisement was suggesting the woman was a commodity. The Panel considered that 'Madame' was the name of the lingerie being sold and was relevant to the depiction of the product. The Panel considered that most people would not understand the word 'madame' to be a reference to a brothel owner, and would be more likely to understand the term as a French word meaning Mrs. The Panel considered that although the woman was posed in a sexualised manner, her depiction in lingerie was relevant to the product being sold and was not a depiction which suggested the woman herself is an object or commodity. The Panel considered there was no focus on the woman's body parts which was not relevant to the lingerie product being promoted.

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 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 woman.

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 woman is not 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 woman is wearing lingerie and is posed in a sexualised manner. The Panel considered that there is 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 woman is portrayed wearing the product. The Panel considered that while the woman’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 woman's genitals and full breasts could not be seen and that the level of nudity in the advertisement was not inappropriate for a broad audience.

The Panel considered that the woman's pose with her legs apart and her head tilted back is sexualised. The Panel considered that the woman was posed so as to accentuate the details of the bra being promoted. The Panel considered that the woman's hands and the text over the image means that the focus of the advertisement is on the bra, rather than the sexualised pose or the woman's genital region. The Panel considered that while the woman's pose was sexualised, the overall advertisement was not highly sexually suggestive.

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.