



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0527/18
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	28/11/2018
6	DETERMINATION	Upheld - Not Modified or Discontinued

## ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

## DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features a woman wearing a black bodysuit with sheer material across the pubic region. Luna Bodysuit.

## THE COMPLAINT

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

*Half a woman's genitals are on show across the shop front. It's borderline porn. I don't believe it's appropriate for my children to be within sight of this so I have to make sure I avoid that place. Unfortunately their location is a busy walkway that is difficult to avoid. My 7 year old daughter and 9 year old son don't need to be exposed to this sort of thing.*

## THE ADVERTISER'S RESPONSE





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

*The advertiser did not respond.*

## **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 pornographic.

The Panel viewed the advertisement and noted the advertiser did not respond.

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 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 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 first considered whether the advertisement used sexual appeal.

The Panel noted the poster advertisement featured a woman in a navy blue and transparent mesh bodysuit standing in front of a backdrop of candy canes with the text “Honey B’s Guide to Christmas – ASK FOR YOUR CANDY!” The Panel considered that the style of the lingerie in combination with the woman’s pose did constitute 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 considered that the advertisement text of “ASK FOR YOUR CANDY” implied



a transactional relationship between the model and a consumer. The Panel noted that in certain settings there is a connection between candy or sweets and a sexual relationship. In particular, the Panel noted the phrase “Gimme some sugar” which is colloquially known to be asking someone for a kiss. The Panel considered that the advertisement appeared to imply that the model was available for sexual relations, and that this presented her, like candy, as a commodity.

The Panel noted that the background images of candy canes in conjunction with the tagline of “ASK FOR YOUR CANDY” could be interpreted to be referring to the candy canes. However the Panel considered that in the context of the advertisement the more likely interpretation is the woman being candy. The Panel noted that children may not understand the sexual innuendo of the tagline, but considered that it would be immediately apparent to adults.

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

The Panel then 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 noted the complainant’s concern that the advertisement is pornographic and inappropriate for children.

The Panel noted that this poster advertisement was in the window of a store and was visible to people walking past the store, and considered that the relevant audience for this poster would be broad and would include children.

The Panel noted the underwear on the model, and considered that while the woman’s breasts are well covered, the sheer material of the bottom half of the bodysuit is transparent and the woman’s pubic mound is clearly visible.

The Panel noted that there is no shadowing around the pubic region, and also noted that the bodysuit is high cut and a part of the woman’s pubic mound is uncovered and also visible.

The Panel considered that the imagery included on a poster that is visible to members of the community in a shopping centre is explicit and is inappropriate for the relevant broad audience which would likely include children.

In the Panel’s view the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did breach Section 2.4 of the Code.



Finding that the advertisement did breach Section 2.2 and 2.4 of the Code the Panel upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

We are extremely disappointed in Ad Standards decision to uphold this complaint.

This Christmas we feel we have been on our best behavior and have done all we can to be considerate in treating nudity with sensitivity to the relevant audience (section 2.4).

We have purposefully edited our imagery to remove any nudity that would be considered offensive, and with the great respect we as a brand have for our models, would never put anybody's 'genitals' on display. This is not what Honey Birdette stands for.

In this image the model is standing in what we believe is a very commercial pose, modelling a bodysuit with a candy cane in hand. The tagline is a playful nod to the candy canes in the shot.

There are no visible genitals, only folds of skin in her thighs which are a natural part of any woman's body. Having to apologize for the female form having noticed many male advertisements of the same nature is becoming disappointing in 2018.

### **INDEPENDENT REVIEWER'S RECOMMENDATION**

### **THE DETERMINATION ON REVIEW**



**ADVERTISER'S RESPONSE TO IR DETERMINATION**