

Case Report

1. Case Number :	0285-22
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	25-Jan-2023
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This store window advertisement features two women in red strappy lingerie standing outside. The first woman is wearing gold nipple pasties and has a fur coat around her back, the second woman is also wearing a red collar. The word 'Stephanie' is superimposed over the bottom of the image.



THE COMPLAINT

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

Sexualisation of children is a problem. This is an area frequented by families. I don't have a problem with honey Birdette being I the centre, but this advertising is unacceptable.

I am concerned by the sexualisation of children by exposure to this sort of advertising. I am concerned that the message it sends to young boys and girls is that women are sexual objects. I do not accept that it is empowering. This is an area where there are many young families. There is a place for this advertising, but it is not here.

I understand that lingerie brands need to advertise their products. But I do feel just nipple covers in an advertisement crosses the line. My young children are also walking past these advertisements. I would strongly suggest this advertising be taken down. It is offensive.

Offensive, pornographic, nude and derogatory toward female large pictures in store in shopping centre. Inappropriate, hyper sexual messaging that is beyond inappropriate in any public setting, especially a shopping centre

THE ADVERTISER'S RESPONSE

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

Honey Birdette is a luxury lingerie retailer that shows women wearing lingerie in our advertising.

As a company led by women with a more than 80% female workforce, we support the empowerment of women and their right to pursue pleasure in a safe and inclusive environment. As such, we were disappointed to learn about this misinterpretation of our advertising.

In the complaint 0285 the main concern around been pornographic we dispute as we are just showing women in lingerie – they are walking in front of a house and were not shown in any sexual poses at all.

That said as we have moved into other ranges both posters have already been removed from our stores in line with the planned marketing timing.

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 complainants' concerns that the advertisement:

- is objectifying of women and degrading to women
- is overtly sexual and inappropriate for display in a public space.

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

Section 2.2: Advertising 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 that the advertisement depicts two women in sexualised lingerie standing outdoors. The Panel considered that this image did contain sexual appeal.

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

The Panel noted that the advertisement was for lingerie available at Honey Birdette and considered that it was reasonable for the women to be depicted wearing the products in the advertisement. The Panel considered that while there may be a focus on the woman's exposed breasts, this was relevant to the product being promoted.

The Panel considered that the women are depicted in confident manner and not in a manner suggesting that they are submissive or objects to be used. The Panel considered that the overall impression of the advertisement is that the women have chosen to wear the lingerie and feels comfortable and confident in posing in it.

The Panel considered that the advertisement does 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 was relevant to the promotion of lingerie and the products available for purchase at Honey Birdette and this in by itself did not lower the women in character or quality.

The Panel considered that the women were posed in sexualised lingerie, but that this was relevant to the product being promoted and was not a depiction which lowered 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 shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

“Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

“Although not exhaustive, the following may be considered to be overtly sexual:

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the women are posing standing next to each other, and are not touching each other, and that the advertisement does not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the women were wearing sexualised lingerie and that the advertisement did contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that both women were wearing lingerie, and considered that this is a depiction of partial nudity. The Panel noted that the woman on the left had her breasts exposed, with only the nipples covered by gold pasties, and that this was a high level of nudity.

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

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

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 considered that the women were not posed in an overly highly sexualised manner.

The Panel noted that the use of pasties meant that the woman’s nipples were not visible, but her breasts were otherwise exposed. The Panel considered that many members of the community would find this to be a confronting level of nudity in a public space.

The Panel noted that the definition of overtly sexual images included those where clothing reveals a large amount of breast, and as such considered this image should to be considered overtly sexual.

The Panel considered that the overtly sexual image was not appropriate for the relevant broad audience which would likely include children.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Noted that this was upheld. We wanted to feedback this poster has already been removed from all stores and is no longer in use.