

Case Report

1. Case Number :	0064-24
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Decision:	20-Mar-2024
6. Decision:	Upheld – Not modified or discontinued

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This store window advertisement features a woman in a black lace body suit posed with her leg up on a chair. The advertisement features the text, "Madeline black".



THE COMPLAINT

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

*Some are straight up p*rn. Please accept my objections to these on display in my community on grounds that they are pornographic; represent women in demeaning and degrading ways, presenting them as sex objects for men; they create a hostile environment where women do not feel safe or welcome; they contribute to a culture in which violence against women is accepted; their display serves to sexualise and groom*

children who are forced to view them. They violate community standards and every basic principle of child safeguarding.

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

THE DECISION

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:

- presents women as sex objects
- is overtly sexual and inappropriate for display in a public space.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

Section 2.2: Advertising shall 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 a woman in sexualised lingerie. 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 woman to be depicted wearing the products in the advertisement.

The Panel considered that the woman is depicted in confident manner and not in a manner suggesting that she is submissive or an object to be used. The Panel

considered that the overall impression of the advertisement is that the woman has 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 woman.

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

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

The Panel considered that the woman was posed in sexualised lingerie, but that this was relevant to the product being promoted and was not a depiction which lowered her 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 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 woman is not interacting with another person or engaged in sexually stimulating behaviour, 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 woman is wearing 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 the advertisement depicted the woman in lingerie and that this was a depiction of partial 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 sexualised nature of the advertisement came from the products being advertised and that the woman's pose was not overtly sexual. The Panel noted the part of the body suit which covered the woman's genitals had a similar colour to the woman's skin-tone, however considered that the woman's genitals could not be seen. The Panel considered that it is reasonable for an advertiser to feature their products in an advertisement, so long as the depiction of those products is not overtly sexual.

Section 2.4 Conclusion

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

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note to this section of the Code:

“Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy practices”, and “...where technology is used to digitally alter images of people to such an extent that their body shape, or features, are no longer realistic or attainable through healthy practices, or where the changes are not justifiable in the context of the product or service advertised, the advertisement may breach the Code if it is contrary to prevailing community standards relating to health and safety. Advertisers should refrain from altering images in a way that changes the body shape or proportions portrayed, for example by lengthening a person's legs to the extent they are not in proportion with the rest of their body or tightening their waist disproportionately to the rest of their body, so that the resulting image portrays a body shape or features that are unrealistic or unattainable through healthy practices

The Panel considered that the woman appears to be very thin, and noted that her arms and legs look thin, elongated and out of proportion. The Panel considered that the image appears to have been altered to accentuate the woman's thinness, and that her body shape appeared to have been distorted in a way that was unrealistic and unattainable through healthy practices. The Panel noted that another image of the same model in the same lingerie could be found on the advertiser's website, and

considered that in comparison to that image the advertisement appeared to have been altered to make the woman's thigh very thin.

The Panel considered that the images had not been altered in a way that would be justified in the context of advertising lingerie.

The Panel considered that most members of the community would consider that such a depiction is irresponsible and promotes an unrealistic body image that would be unattainable through healthy practices.

Section 2.6 conclusion

Overall, the Panel considered that the advertisement was contrary to Prevailing Community Standards on health and safety in relation to body image. The Panel determined that the advertisement did breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

The advertiser has not provided a response to the Panel's decision. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.