

Case Report

1. Case Number :	0146-24
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Decision:	5-Jun-2024
6. Decision:	Upheld – Not Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This store window advertisement features two women wearing light blue lace and tulle lingerie with the word "Bella" along the bottom of the image.



THE COMPLAINT

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

The sex shop ad depicted two women in very brief lingerie which exposed a substantial amount of one's genital region, and the other's backside. Honey Birdette continues to force its sexist depictions of women on members of the community who have not asked to see them. They are forcing exposure on children who have a right to be in public spaces without being sexualised and exposed to sexist or adult content.

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 the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement includes sexualised content which is inappropriate for advertising in public areas.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

Code of Ethics 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 contains a depiction of 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, but are not depicted as being engaged in sexual intercourse or sexually stimulating behaviour. The Panel therefore considered that the advertisement does not contain a depiction of 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 revealing lingerie, and were posed in an intimate manner and that the advertisement did contain a depiction of 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. In particular, the Panel noted that the style of underwear meant that there was a suggestion that some of the pubic mound of the woman on the left was visible, and that this was a higher level of nudity.

Are the issues of 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 noted that in assessing whether sexual suggestion in an advertisement is 'sensitive to the relevant audience' they are required to identify who the relevant audience is and consider how they might react to or feel about the advertisement.

The Panel noted that this image appears in store windows, often in shopping centres, 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 posed in an intimate and sexually suggestive manner, with one woman resting her hand on the other woman's hip. The Panel noted that the style of the lingerie worn by the woman on the right included skin-coloured tulle fabric and considered that this gave the impression that some of her pubic mound was visible. The Panel considered that this in combination with the sexualised posing meant that this image was 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 breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did breach Section 2.4 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.