

Case Report

1. Case Number :	0148-24
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Decision:	5-Jun-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This store window advertisement features a woman in black embroidered lingerie with sheer tulle, wearing sunglasses and a headset. The words "Laura Black" are across the bottom of the image.



THE COMPLAINT

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

The image is a pornified representation of a woman in sheer lingerie, with exposed genital region. The woman depicted is virtually naked. This image does not belong in shopping centres. Women should not have to tolerate exposure to sexist and porn-themed depictions of women in shopping centres. It is sexual harassment.

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 is inappropriate for placement where it may be viewed by the broad community.

The Panel viewed the advertisement and noted the advertiser did not provide 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 contained 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 woman depicted was not interacting with anyone and was not engaged in sexually stimulating behaviour. The Panel considered the advertisement did 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 the woman was wearing revealing lingerie. The Panel considered 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 the woman in the advertisement was wearing lingerie with sheer material which revealed some of her breasts and pubic mound and considered that this is a depiction of partial nudity.

Is the issue 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 noted that while the lingerie included sheer fabric, the woman's nipples and genitals are covered.

The Panel considered that the pose of the woman and the context of the advertisement were not overtly sexual. The Panel considered that it is reasonable for an advertiser to feature their products in a shopfront advertisement, provided that the depiction of those products is not overtly sexual.

The Panel considered that the sexuality and partial nudity in the advertisement was not explicit or inappropriate to be viewed by a broad audience.

Section 2.4 Conclusion

The Panel found the advertisement 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.