

Case Report

1. Case Number :	0261-24
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Decision:	23-Oct-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

DESCRIPTION OF ADVERTISEMENT

This store window advertisement features a woman in a one piece sheer catsuit with a snake wrapped around her. This image was seen at:

- Lakeside Joondalup in WA
- Westfield Macquarie Park in NSW
- Westfield Burwood in NSW.



THE COMPLAINT

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

Sexually explicit (soft porn/nudity) being displayed in their windows. Can be seen by all people including children.

Shopping centres make their money off families, so they need to be family friendly. Kids shouldn't be exposed to graphic, oversized porn and bdsm themed shop window ads while getting a boost juice with their friends or family after school!

These shop windows are owned by a pornographer. These are not ads - they're porn. They degrade and dehumanise women, reducing them to sexualised body parts and contributing to gender inequality and violence against women. This ad needs to go immediately. As far as I'm aware, it's illegal to show children pornographic imagery. As far as I'm aware, it's illegal to expose an adult to pornographic images without their consent. This is a workplace. As far as I'm aware people have the right to work without being forced to view sexualised imagery. And so I'm wondering why this pornographer has free rein to terrorise our communities with impunity. And I'm wondering when - after years of this, and dozens of recorded ad violations (80+), it will stop?

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 complainants' concerns that the advertisement:

- present women as objects
- is inappropriate for an audience which includes children.

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

The Panel noted the Practice Note to Section 2.2 states:

“For material to breach this section of the Code, it must contain sexual appeal. Models in underwear or lingerie surrounded by or next to fully clothed models may suggest a power imbalance and be found to be exploitative or degrading. Material can be found to be exploitative or degrading even where the model is looking confident where the model is being depicted as a product or commodity or the focus on body parts is not relevant to the product or service being advertised. Advertising which used sexual appeal and suggests that a person is a product, or that they exist only for the enjoyment of others has been found to breach this section of the Code. Likewise, advertising which uses attractive models in revealing clothing, where the use of the model is not relevant to the product, has been found to be exploitative. ‘Focusing on body parts’ can include a close-up, multiple close-ups or long-still on breasts or buttocks or cropping in such a way as to emphasise these body parts. Such focus on body parts is not acceptable unless used to advertise relevant products and services.”

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 a 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 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

The Panel concluded 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;*

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 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 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 the advertisement depicted the woman in lingerie and that this was a depiction of partial 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 assessing whether sexual suggestion is ‘sensitive to the relevant audience’ requires consideration of who the relevant audience is and how they are likely to 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 noted that the woman was wearing a sheer body suit and nipple pasties, and a large amount of her breasts and her pubic mount were visible through the sheer fabric. The Panel considered that the high level of nudity in the advertisement meant that the image was overtly sexual.

Section 2.4 Conclusion

The Panel found that the advertisement did breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement breached Section 2.4 of the Code the Panel upheld the complaints.

THE ADVERTISER’S RESPONSE TO DECISION

The advertiser did not provide a response to the Panel decision.