

Case Report

1. Case Number :	0265-24
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Decision:	23-Oct-2024
6. Decision:	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features a woman wearing black strappy leather lingerie. The woman is holding a horse's bridle. The post features the caption "A ride to remember [cowboy emoji], the ways to play in PONY are endless..."



THE COMPLAINT

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

The ad sexually objectifies women by pairing a sexualised image of a model with the words "A ride to remember", suggesting she might be the "ride" (i.e. available for men's sexual use). Portraying women as constantly willing and available for sex is sexist, it objectifies women and undermines gender equality.

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 concern that the advertisement:

- presents women as objects
- uses a sexualised image of a model.

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:

“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.”

Does the advertisement use sexual appeal?

The Panel noted that advertisement depicts a woman in sexualised lingerie. The Panel considered that the advertisement 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.

A minority of the Panel considered the woman is depicted in fetish gear which include harnesses, and this in combination with the caption "ride to remember [cowboy emoji], the ways to play in PONY are endless..." is comparing the woman to a horse and suggesting she is available to be ridden.

However, the majority of the Panel noted that there was a horse visible in the image and the most likely interpretation is that the phrase "a ride to remember" is in reference to the horse and not the woman.

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 products being promoted and was not a depiction which lowered the woman in character or quality.

The Panel considered that the advertisement does 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:

"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 is not engaging in sexual intercourse and considered that the advertisement did 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 considered that there was a sexual element to the advertisement.

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 was wearing lingerie and considered that this is 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.

In assessing the relevant audience, the Panel considered that the placement of the advertisement limited its reach. The Panel considered that the placement of the advertisement on the Honey Birdette Facebook page meant that it was a message delivered by invitation rather than intrusion, as it is only visible to people who visit the Honey Birdette Facebook page or who follow the page.

The Panel noted that the fact the advertiser appeared not to have boosted the advertisement was an important consideration as this meant that the advertisement was not pushed beyond the page of the advertiser and onto a broader audience.

The Panel noted that although Facebook requires users to be over 13 and there is a chance that some followers of the Honey Birdette page may be under 18, the relevant audience for this advertisement would be predominately adults who have exercised the choice to follow the advertiser via its online presence or visit its page and who are familiar with the advertiser's posts. The Panel considered that the audience for this advertisement would be predominately adult and would be people familiar with the products available at Honey Birdette and its style of advertising on social media. The Panel considered that while the image may not be appropriate for display in a public space such as a storefront, it was not inappropriate when displayed on the advertiser's own social media channel which has a targeted adult audience of followers.

Section 2.4 Conclusion

The Panel found that 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.