

Case Report

1. Case Number :	0266-24
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Decision:	23-Oct-2024
6. Decision:	Upheld – Not Modified or Discontinued

ISSUES RAISED

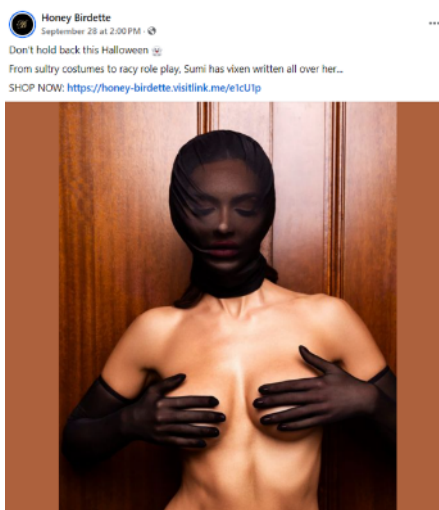
AANA Code of Ethics\2.2 Exploitative or Degrading

AANA Code of Ethics\2.3 Violence

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features a naked woman wearing a sheer black headpiece and long black gloves with her hands placed over her breasts. The post features the caption "Don't hold back this Halloween [ghost emoji] From sultry costumes to racy role play, Sumi has vixen written all over her..."



THE COMPLAINT

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

This ad depicts a naked woman with what appears to be a stocking over her head. This is chilling dehumanisation of a woman, whose face is significantly obscured while her naked body is presented. The ad appears to be suggestive of suffocation, normalising and eroticising a lethal form of violence against women. As a survivor myself, it is distressing to see such a disturbing suggestion of violence against women.

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:

- depicts violence against women
- presents women as objects.

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 features a topless woman wearing a headpiece and gloves and considered that this depiction used sexual appeal.

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

The Panel noted that the advertisement was for lingerie and fetish products available at Honey Birdette and considered that it was reasonable for the woman to be depicted wearing that product in the advertisement. However, the Panel considered that the depiction of the woman as topless was not relevant to the promotion of these products. The Panel considered the advertisement focused on body parts in a way that was not directly relevant to the products being promoted.

The Panel considered that the advertisement does 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 and fetish products, 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 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 breach Section 2.2 of the Code.

Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

Does the advertisement contain violence?

The Panel noted that the advertisement was promoting the headpiece and gloves which are products available at the Honey Birdette store. The Panel considered that the caption of the post provides the context that this is part of a “sultry costume” for Halloween, that she has chosen to wear.

The Panel considered that there is no depiction of a second person in the advertisement, or a suggestion that the woman is wearing the costume under duress. The Panel considered that the woman does not appear to be upset, in pain, or struggling to breath.

The Panel considered that the advertisement does not depict or suggest violence.

Section 2.3 conclusion

Finding that the advertisement does not contain violence, the Panel concluded that the advertisement did not breach Section 2.3 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.”

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 considered that the woman is not clearly engaging in sexual activity however considered that most members of the community would consider this type of costume to be paraphernalia likely to be used during sexual activity. The Panel considered that the words “racy role play” added to this impression. The Panel considered that the advertisement did contain a suggestion 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 advertisement featured a topless woman posing in sexualised products and considered that this depiction contained 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 the woman was topless and covering her nipples with her hands. The Panel considered 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 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 breached Section 2.2 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

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