

Case Report

1. Case Number :	0267-24
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

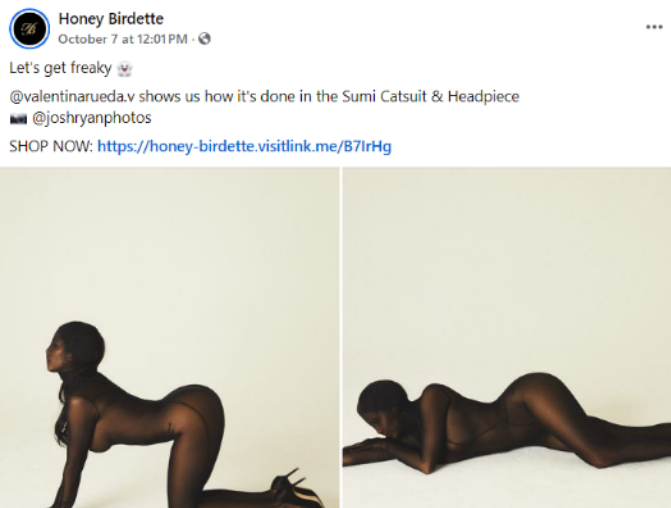
DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features two images of a woman wearing a black sheer catsuit and headpiece.

Image 1 features a woman on all fours wearing the catsuit and heels.

Image 2 features a woman laying on her side wearing the catsuit.

The images feature the caption "Let's get freaky [ghost emoji]"



THE COMPLAINT

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

These images depict a naked woman in a sheer body stocking, in demeaning poses (on all fours, lying on the ground). The woman's head and face are obscured, and she is represented as naked body posed ready for sexual use. These type of blatantly misogynistic images normalise and encourage the dehumanisation of women as things to be sexually used and abused by men. As rates of male violence against women continue to rise, unethical companies should not be permitted to objectify, degrade and dehumanise women for profit. These images harm women and girls and contribute to a culture where violence against us is tolerated.

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.

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 advertisement depicts a woman in sexualised clothing. 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 products available at Honey Birdette and considered that it was reasonable for the woman to be depicted wearing the products in the advertisement.

The Panel noted the complainant's concern that the woman's face being obscured dehumanises her. The Panel considered that the headpiece was part of what was being advertised and it was reasonable for the woman to be wearing it in the advertisement. The Panel considered that the caption for the advertisement identifies the woman and highlights that she is modelling the products.

The Panel considered that the advertisement does not depict the woman as an object or commodity.

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 clothing, 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:

“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.*

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 a sexualised product 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 a mesh body suit, and although the details of her body could not be seen through the dark material there was a suggestion 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 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.