

## Case Report

1. Case Number :	0273-24
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 two women wearing black strappy leather lingerie. The women are both standing next to horses. The image features the text "PONY." This image was seen at:

- Westfield Northlakes in QLD.
- Broadway Shopping Centre in NSW
- Lakeside Shopping Centre in Joondalup WA.



## THE COMPLAINT

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

*Unnecessary nudity, vulgarity.*

*The advertisement is targeted towards passerbys, So many children are around and other people.*

*It was deeply offensive and gross. As a woman, it's nasty to see women like that on a massive screen, it would be fine if the images are shown inside the store, but the nipple pasties are too far.*

*The over sexualisation of women is disgraceful*

*They have plenty of lingerie to choose from, they are using pasties to shock the audience*

*The ad is located right near the food court of Westfield north lakes. This is a highly sexual, near nude ad and is not appropriate for wide (and young) public audiences. This ad is in violation of Code of Ethics Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The completely revealing, unnecessarily sexual, provocative and pornographic style images are not fit for any public location.*

*Like every other rational, reasonable adult on the planet, I believe vested interests of the pornography industry should not have free rein to expose children to harmful degrading imagery - especially this type which depicts woman as sub-human, specifically, horses. I'm not sure why - while Playboy mags were required to be wrapped in plastic to be stocked on retailer shelves, in my local family shopping centre Playboy can literally splash its floor to ceiling centerfold pics in its sex shop windows for all age non consensual viewing. This is not ok. Never was, never will be.*

## 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:

- presents 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 advertisement depicts women 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 women to be depicted wearing the products in the advertisement.

The Panel considered the women are depicted in fetish gear which include harnesses, and this in combination with the word “pony” may be seen as comparing the women to horses.

However, the Panel noted that there were actual horses visible in the image and the most likely interpretation is that the word “pony” is in reference to the horses and not the women.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of the women.

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

The Panel considered that the women were posed in sexualised lingerie, but that this was relevant to the products being promoted and was not a depiction which lowered the women in character or quality.

The Panel considered that the advertisement does not employ sexual appeal in a manner which is degrading to the women.

## **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;*
- *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.*

*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 women are posing standing close to each other, but are not depicted as being engaged in sexual intercourse or sexually stimulating behaviour. The Panel therefore considered that the advertisement does 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 that the women are wearing sexualised lingerie and the images do 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 the women in the images were 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.

The Panel noted that the woman on the right was wearing a harness and nipple pasties, and a large amount of her breasts were visible. The Panel considered that the style of the lingerie worn by the women, including harnesses, was highly sexualised. The Panel considered that the depiction of the women posed in this fetish-style lingerie, in combination with the high level of nudity, 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.