

Case Report

1. Case Number :	0053-25
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Decision:	5-Mar-2025
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 store window advertisement features two images of women wearing lingerie, with the text "Jasmin." The images were seen at Lakeside Joondalup.

Image 1 features a woman wearing pink lingerie including a piece wrapping around the neck. The woman is lifting her right bra strap. The text "Jasmin Hot Pink" is also featured.



Image 2 features a woman wearing pink lingerie which includes a piece wrapping around the neck. The woman has her head tilted back. Her hands are placed on her chest. The text "Jasmin Hot Pink" is also featured.



THE COMPLAINT

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

these ads present degrading, harmful ideas about women that put us at real risk of harm. Pornographers should not have free rein to plaster their windows with explicit, bondage porn themed images like these. Also, it's back to school time- there are kids everywhere at the shopping centre who are exposed to these larger than life ads. Playboy has a 70+ year history of exploiting and abusing women and children. No more- not in our neighbourhood.

With the increasing levels of violence against women it's horrifying to see a women in bondage / chains like an animal in shopping centres.

Children can see this. It objectifies women as sexual objects, chained up

This is adult content in a public family space with children who are being forced to witness this over sexualization

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 the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement presents women as objects and 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.”

Does the advertisement use sexual appeal?

The Panel noted that both images depict a woman in sexualised lingerie and considered that this does 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 that in both images the women are depicted in a confident manner and not in a manner suggesting that they are submissive or objects to be used. The Panel considered that the overall impression of the advertisement is that the women have chosen to wear the lingerie and feel comfortable and confident posing in it. The Panel considered that the advertisement does not employ sexual appeal in a manner which is exploitative of women.

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

The Panel considered that the depiction of the women was relevant to the promotion of lingerie and the products available for purchase at Honey Birdette and this by itself did not lower the women in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to 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*
- *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 in Image 1 was pulling on the strap of her bra, in a way which could suggest she was undressing. The Panel considered that while the pose may be sexualised, the image did not contain sex.

The Panel noted that the woman in Image 2 had her head tilted backwards and her hands resting along the tips of her breasts. The Panel considered that while the pose may be sexualised, the image 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 both images depicted women in sexualised poses promoting a sexualised product and considered that this is a depiction of 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 both images show a woman in lingerie and 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 these images appear 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 lingerie being advertised included a piece around the neck which resembled a collar. The Panel acknowledged that some members of the community would prefer fetish style products not be advertised where children can view them. The Panel considered that the collar was consistent with the strappy style of the lingerie. The Panel considered that the overall impression of the images was of a woman modelling lingerie and was not the promotion or use of fetish products.

The Panel noted the woman in Image 1 is lifting the strap of her bra. The Panel considered that she’s not pulling it down, and the pose is not strongly suggestive of undressing. The Panel considered that the woman’s genital and nipples were covered. Overall, the Panel considered that this image was not overtly sexual.

The Panel noted that the woman in Image 2 was posed with her head tilted back and her hands on her upper chest. The Panel also noted the woman was wearing matching wrist cuffs. The Panel considered that the woman's pose was sexualised, however considered that it was not strongly sexualised and the focus of the advertisement was still on the promotion of the product. The Panel considered that the second image was not overtly sexual.

The Panel considered that the images were not overtly sexual, and they did treat the issues of sex, sexuality, and nudity with sensitivity to the relevant broad audience.

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 complaints.