

## Case Report

1. Case Number :	0054-25
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Store Window
5. Date of Decision:	5-Mar-2025
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

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This store window advertisement features two images of a woman wearing sheer lingerie. The Panel noted that the advertisement was seen in Lakeside Joondalup.

Image 1 features a woman wearing a sheer tulle bodysuit with black embroidery over the breasts. She is standing with her hands on her outer thighs. The text "Rosa" is also featured.

Image 2 features a woman wearing a sheer tulle bodysuit with black embroidery over her breasts. She is reclining with her right hand behind her head. The text "Rosa" 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.*

## 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 present 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 versions of the advertisement 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; or*
- *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;*
- *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 both images depict a woman posing in lingerie, and noted that the woman is not depicted interacting with anyone else or engaged in sexual activity. The Panel considered 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 both images depicted a woman in a sexualised pose posing in sexualised lingerie 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 the lingerie being promoted in both images featured sheer tulle. The Panel considered the effect was that the woman appeared naked except for the detailing around the edges of the bodysuit and the embroidery over the breasts. The Panel considered the advertisement contained a high level 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.

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 considered that the high level of nudity in the advertisement meant that the images were overtly sexual and did not treat the issue of nudity with sensitivity to the relevant broad audience.

**Section 2.4 conclusion**

The Panel found that the advertisement did breach Section 2.4 of the Code.

**Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note for this section of the Code includes:

*“Advertising must not portray an unrealistic ideal body image by portraying body shapes or features that are unrealistic or unattainable through healthy*

*practices. Exposure to unrealistic body ideals can lead to harmful body dissatisfaction and disordered eating and for this reason it is not acceptable in advertising.”*

A minority of the Panel considered that the legs of the woman in Image 1 of the advertisement appear to be distorted through photo editing. The minority of the Panel considered that the effect of the editing appeared to be that the woman’s hips were narrowed, and this did portray an unrealistic ideal body image.

The majority of the Panel, however, considered that while the image appeared to be edited in an unrealistic manner, this seemed to be to change the woman’s pose and bring her legs together, rather than to slim her. The Panel considered that the woman appeared to otherwise be a healthy size and considered that the image did not portray an unrealistic ideal body image.

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety.

#### **Section 2.6 conclusion**

The Panel considered that the advertisement did not breach Section 2.6 of the Code.

#### **Conclusion**

Finding that the advertisement breached Section 2.4 of the Code the Panel upheld the complaint.

#### **THE ADVERTISER’S RESPONSE TO DECISION**

The advertiser has not provided a response to the upheld decision.