



Ad Standards Community Panel
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Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

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| 1 | Case Number | 0050/19 |
| 2 | Advertiser | Honey Birdette |
| 3 | Product | Lingerie |
| 4 | Type of Advertisement / media | Poster |
| 5 | Date of Determination | 20/02/2019 |
| 6 | DETERMINATION | Upheld - Not Modified or Discontinued |

ISSUES RAISED

- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features a brunette woman in a sheer bra, garter and underwear set. The lingerie style is 'Saskia'.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

It's far too much for a public place in a shopping centre

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:



The advertiser did not provide a response.

THE DETERMINATION

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 is too explicit for a shopping centre.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should 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 that the advertised product is lingerie and the advertiser is justified in showing the product and how it would be worn provided that in doing so it meets the provisions of the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the poster advertisement featured an image of a woman in black sheer lingerie standing next to a motorbike with her arms extended level with her shoulders. The Panel noted the lingerie style is titled “Saskia”. The Panel considered that the style of the lingerie in combination with the woman’s pose did constitute sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that there was a particular focus on the woman’s breasts in the advertisement, however considered that this focus was relevant to the style of lingerie being sold.



The Panel considered that the advertisement did not suggest the woman was an object, or was for sale, rather the advertisement featured the woman wearing the underwear that was for sale.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel then considered whether the advertisement used sexual appeal in a degrading manner.

The Panel considered that the advertisement depicted the woman as confident and empowered, and considered that the advertisement did not depict the woman in a way which lowered the woman or women in general in character or quality.

The Panel considered that the advertisement did not use sexual appeal in a degrading manner.

The Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, and did not breach Section 2.2 of the Code.

The Panel then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainant's concern that the advertisement is too explicit.

The Panel noted that this poster advertisement was in the window of a store and was visible to people walking past the store, and considered that the relevant audience for this poster would be broad and would include children.

The Panel noted that the bra the woman was wearing was sheer and considered that there was a suggestion that her nipple was visible, although this was not overly clear. The Panel considered that the underpants of the woman are very low cut indicating that her pubic hair was removed, however noted that her genitals were not visible.

The Panel considered the pose of the woman was sexualised and that the way she was pushing her buttocks back and chest forward, a pose commonly referred to as 'presenting', emphasised the focus on her breasts.

The Panel considered that the level of nudity was at the higher end and the image was sexualised and as such the image included on a poster that is visible to members of the community passing by the business was not appropriate for the relevant broad audience which would likely include children.



The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

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

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the advertiser and other industry bodies regarding this issue of non-compliance.