



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0123/19
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Billboard
5	Date of Determination	08/05/2019
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity
- 2.6 - Health and Safety Body Image

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement is located in a shopping centre and is placed to cover the front of the store while building/renovations are occurring. The advertisement features a woman in a sheer black bra, garter belt, underpants and stockings laying on a lounge.

THE COMPLAINT

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

The billboard in my opinion is not a suitable advertisement for a public space where children can see it.

I feel this poster is basically soft pornography.

It not only shows her wearing extremely brief lingerie, but the provocative pose she is





*photographed in is blatantly sexual.
It is objectifying the woman sexually.
I believe this is far too indecent for public viewing.*

The picture is incredibly large, and in a public place where children, school aged students, families, tourists and city workers have to pass by. It is a major thoroughfare in a highly used location so it is very much in a public place where there is not much opportunity to avoid.

I dont believe its appropriate for a billboard where children can see the imagery of a woman almost naked (in lingerie). I believe it also promotes a symbol of soft porn as the women looks as though shes having an orgasm which is inappropriate for public eyes, especially children. Thankyou

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 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 complainants' concerns that the advertisement is highly sexualised, is demeaning to and exploitative of women and it resembles soft porn.

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

The Panel noted that the advertisement featured an image of a woman in lingerie reclining on a lounge, with her hand between her legs and her head tilted back and eyes closed and featured the words 'coming soon'. The Panel noted the advertisement was on a wall covering the outside of a store promoting the upcoming opening of the store.

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 considered that the style of the lingerie the woman was wearing 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.

A minority of the Panel considered that the woman's pose was relaxed and not overly sexualised. The minority of the Panel considered that the depiction of the woman was relevant to the product being promoted and that there was no particular focus on the woman's body parts. The minority of the Panel did not consider the advertisement to be exploitative or degrading to a depiction of a woman in a sexual act.

The majority of the Panel considered that the woman's pose was passive and highly sexualised. The majority of the Panel consider the woman was depicted draped over the couch as though she was an object. The majority of the Panel considered that the woman's pose, with her back arched, head back, eyes closed and hand between her knees was highly sexualised and suggestive of the woman being available to use as an object. The majority of the Panel considered that the advertisement did use the sexual appeal of the woman in a way which was exploitative of the woman.

The Panel determined that the advertisement did employ sexual appeal in a manner which is exploitative of an individual, and did 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 complainants' concerns that the advertisement is highly sexualised and inappropriate for a broad audience and that the woman looks as though she is having an orgasm.

The Panel noted that this billboard advertisement covered the front 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 considered that the depiction of the woman in lingerie was relevant to the product being sold and that the level of nudity in the advertisement was not inappropriate for a broad audience which would include children.

The Panel considered the pose of the model is strongly sexualised, with her back arched, head back, eyes closed and hand between her legs. The Panel noted that the advertisement contained the words “coming soon”. The Panel considered the large size of the advertisement added to the impact of the advertisement and meant that the advertisement could not be avoided and would be seen by a large variety of people.

The Panel considered that the component of the image was highly sexualised and as such the large advertisement which is visible to members of the community 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.

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Panel noted that the woman’s torso and stomach appeared very thin and that this image may have been altered to enhance the woman’s thinness.

The Panel noted the Practice Note for Section 2.6 Provides:

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

The Panel considered that the distortion of the woman’s torso may be a combination of the style of lingerie the woman is wearing, the positioning of her arm covering part of her torso and a result of the woman’s pose arching her back and was not necessarily a result of the image having been altered. The Panel considered that the woman in the advertisement is slim, however considered that she appears to be a healthy body size.

The Panel considered that the advertisement did not portray a woman with an unrealistic or unattainable body shape and that the advertisement did not depict material contrary to prevailing community standards on health. The Panel considered



that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement breached Section 2.2 and 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.