



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0092-20</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Sex Industry</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>11-Mar-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This poster advertisement features a close-up image of one side of a woman's lower back, arm, buttock and upper thigh. The woman is wearing black strappy lingerie with rose gold details, and a wrist strap which is linked to her lingerie. The word Kukuro is placed over the top of the image.

### THE COMPLAINT

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

*Advertising using graphic, pornified bondage themes popularised by the sex industry in the public space where children are present is entirely unacceptable. These sexually objectifying images clearly reduce the women to her body parts and of are the type that is proved to harm women and girls and fuel a culture of disrespect for women. Honey Birdette does not own the public space in our communities and has no right to broadcast its porn themes ads to a non-consenting, all-age audience who are are not its customers.*

### 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 complainant's concern that the advertisement:  
Uses graphic pornafied bondage themes

- Is unacceptable in a public space where children are present
- Features sexually objectifying images which reduce the woman to her body parts

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 first considered whether the advertisement used sexual appeal.

The Panel considered that the depiction of a woman in lingerie is one which most people would consider to contain 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 the focus of the advertisement was on the product being promoted, and that the close-up nature of the advertisement was to focus on the detail of the product. The Panel considered that it was clear from the advertisement that the product for sale was the lingerie, not the woman, and that the woman was not depicted as an object or commodity. The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the woman.



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

A minority of the Panel considered that the straps connecting the woman's wrist to her body was showing the woman as being powerless. A minority of the Panel considered that the close-up image of the restrained woman was dehumanising and did lower the woman in character or quality.

The majority of the Panel considered that the focus of the advertisement was on the detail of the product, and the woman's wrist being connected to her lingerie was again highlighting this detail. The Panel considered that the depiction of a woman wearing sexualised lingerie in a promotion for that lingerie was not a depiction which lowered the woman in character or quality.

The majority of the Panel considered that the depiction of one section of the woman's body was not dehumanising of the woman, rather the image highlighted the detail of the product which would not have been evident in a longer shot. The majority of the Panel considered that the woman's body parts were not the focus of the advertisement and that the woman was not lowered in character or quality because her entire body was not shown.

The majority of the Panel considered the woman was shown standing in a way which accentuated the product. The Panel considered that the depiction of a woman modelling lingerie was not a depiction which lowered the model in character or quality and did not use sexual appeal in a manner that was degrading of the model.

On that basis, the Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual and did not breach Section 2.2 of the Code.

The Panel 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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is



‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction of a woman in lingerie is not of itself a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement treated depicted sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the depiction of the woman wearing this style of lingerie was relevant to the product being promoted. The Panel considered that the lingerie being promoted was sexualised and that this did add an element of sexuality to the advertisement. The Panel determined that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.

The Panel noted that the advertisement was a close-up image of a woman's buttock, lower back, top of a leg and part of her arm. The Panel considered that a large amount of the woman’s buttock was exposed, covered only by a few thin straps. The Panel considered that this did constitute partial nudity.

The Panel then considered whether the issues of sexuality and nudity were treated with sensitivity to the relevant audience.

The Panel noted that the lingerie worn in the advertisement is available for purchase at Honey Birdette, however considered that products must still be advertised in a manner that is suitable for advertising on the front window of a store that is located in a shopping centre.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’  
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)



The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears in store windows and considered that the relevant audience includes retail and service 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 be broad and would include children.

The Panel noted that recent research into community perceptions found that the general community were more conservative than the Panel's determinations relating to sexual imagery and nudity in advertising, and that the level of concern over nudity and sexualised content in advertising has been increasing over the last 10 years ([https://adstandards.com.au/sites/default/files/2007-2017\\_community\\_perceptions\\_web.pdf](https://adstandards.com.au/sites/default/files/2007-2017_community_perceptions_web.pdf)).

A minority of the Panel considered that the focus of the advertisement was the woman's body, and that the depiction of her being restrained was highly sexualised in nature and inappropriate for the relevant broad audience.

The majority of the Panel considered that the focus of the advertisement was on the detail of the product available for purchase in the store. The majority of the Panel considered that although the woman was depicted as having her cuffs connected to her lingerie, this was also highlighting the detail of the product. The majority of the Panel considered that the woman was not depicted as pulling against the restraints or acting in a manner to suggest that she is distressed. The majority of the Panel considered that the situation the woman was in was not depicted and that there was no sexualised context to the image, or suggestion that the woman is engaging in sexualised behaviour. The majority of the Panel considered that children viewing the advertisement would view a woman standing in strappy lingerie, and would not view the advertisement as sexualised.

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

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.