



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0313-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	21-Oct-2020
6. DETERMINATION :	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 poster advertisement has two versions.

Version 1 - A brunette woman stands facing the camera with one hand on her hip and the other on her lower leg. She stares at the camera with her mouth dropped open. She is wearing a pink bra, garter belt, stockings and underpants. The bra is transparent on the underside and has floral detail across the top which covers the nipples in the image. The underpants are transparent in the pubic region but are solid fabric over the labia region. The lingerie style is titled "Amelie".

Version 2 - The same brunette wearing the same lingerie, however posed side on with one hand near her face and the other placed on her waist.

THE COMPLAINT

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

In this picture the woman is dressed in sheer lingerie.

The pants are sheer revealing a fully waxed pubis.

This is in school holiday 2 stores down from a lego store with lots of children passing it.



It breaches the AANA code section 2.4 "overtly sexual ads." . " people depicted in sheer lingerie or clothing where a large amount of buttock, female breasts, pubic mound or genital regions can be seen"

This advertisement sexually objectifies and sexualises women. While the woman is shown wearing straps and string loosely referred to as "lingerie" she is virtually naked. The underside of her breasts and her pubic mound are visible in this image. This sex shop chose to use this imagery to advertise its range of lingerie during school holidays, when Westfield shopping centre was packed with children. An ad standards that allows a sex shop to expose children to this content has no standards at all. I resent having to steer my children in a different direction when I see this shop, I resent having to submit complaints about this sex shop once again.

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' concern that the advertisement sexually objectifies and sexualises women, and her breasts and pubic region are visible which is inappropriate for display in 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 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 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 advertisement did not depict the woman as an object or commodity. The Panel considered that the advertisement did not draw particular focus or attention to any particular body part, and that the depiction of the woman in lingerie was relevant to the product being promoted. The Panel considered that the advertisement did not use sexual appeal in a manner that was 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.

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.

The Panel considered that the depiction of the model did not lower the character or quality of the model 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 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 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 itself a depiction of sexuality.

The Panel considered that the depiction of the women 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 woman is not entirely nude, however considered that the underside of her breast and her mons pubis appeared to be visible due to the style and material of the lingerie. The Panel considered that most members of the community would consider this to be a depiction of 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' requires 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 is 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 is 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).

The Panel considered that while the style of the lingerie is sexualised, the woman's pose is confident and not inherently sexually suggestive. The Panel considered that the pose of the woman was not overtly sexualised, and that although she was depicted with her legs slightly apart, this appeared to be an artistic pose rather than a sexualised pose. The Panel considered that children viewing the advertisement would view a woman standing in a comfortable pose in bright lingerie, and would not view the advertisement as sexualised.

The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate to be advertised in public facing areas by some people shopping in the centre, including those with young children, however in this instance the Panel considered that there was no sexual messaging or themes in the advertisement which would make it confronting for these audiences.

The Panel considered that the advertisement was sexually suggestive due only to the nature of the product, but not highly sexually suggestive and that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

The Panel noted that the lingerie is sheer over the woman's mons pubis, however considered that this is not highlighted in the image and her pubic region is partly covered by the text stating the lingerie style name. The Panel noted that the lingerie



the woman is wearing is sheer, and that the underside of her breasts are partially visible. The Panel considered however that this depiction did not show her nipples, and it is not the focus of the advertisement. Overall the Panel considered that there is no explicit focus on body parts, and the level of nudity in the advertisement is not inappropriate for a broad audience.

Overall 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 complaints.