



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0311-20
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 woman in leopard print bra, garter belt and underpants sits with her elbow resting on her knee and chin resting in hand. She is surrounded by other men and women.

Version 2 - A woman in leopard print bra, garter belt and underpants standing to the side with her hand resting on her thigh. She is surrounded by other men and women.

The people surrounding the woman in both images include:

A "devil" man in red body paint and horns.

People wearing full body skeleton costumes

A woman in a black rabbit headpiece, wearing a chocker collar with a chain from it to a cuff on her wrist.

A shirtless man in suspenders.

A topless woman wearing suspenders and nipple pasties, and a hat.

Various other people.

Ad features text: 'KUKURO 666 CLUB'



A woman in animal-print and black bondage wear (as described by the advertiser). She is posed standing to the side with her hand resting on her thigh and is surrounded men and women who are naked, in bdsm gear, or in costumes.

THE COMPLAINT

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

The ad contains imagery that is overtly sexualised. The imagery is heavily porn-themed and resembles an orgy. This ad is unsuitable for display in my community - a Lendlease suburban shopping centre where women conduct their business and do not want to be sexually harassed or forced to engage with sex trade-style promotions, and where children are present. Honey Birdette does not set the standard for what is acceptable in the public space. This type of imagery is linked to attitudes and behaviour which are harmful to women and girls. To show this ad in public spaces is blatantly disrespectful and demonstrates zero regard for members of the community, and is a violation of human rights.

This type of advertisement objectifies women and young girls. Studies show that exposure to sexual objectification has been linked with depression, eating disorders, and low self-confidence. These posters are displayed in shopping centres where families with young children need to walk by as well as impressionable teens particularly young girls.

It's blatantly pornographic and exposes women to harrassment and young impressionable youth to view women as sexual objects to be acted upon. It's visible to families with young children that don't need to be exposed to pornographic images of women.

Sexually explicit posters not appropriate for children

Honey Birdette is advertising their bondage range with a satanic orgy for the school holidays. The advertising sexually objectifies women, once again presenting the woman as an object to be consumed (with the devil leaning in to lick or bite the woman).

The advertising contains imagery that could be scary to children. There is something seriously sick about people who choose to expose children to advertising like this, both Honey Birdette and Westfield included.

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

- Objectifies women, and depicts them as objects to be consumed as shown by the devil leaning in to lick or bite the woman
- Is overtly sexualised and sexually explicit
- Is porn themed and resembles an orgy
- 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 women in the advertisement as an object or commodity. The Panel noted the devil character leaning towards the centre woman with his mouth open and considered that this was not representative of the woman being an object to be consumed, but rather was consistent with the Halloween theme of the image and the character.



The Panel considered that while the women in the advertisement were in various forms of lingerie and some women's breasts (but not nipples) are visible, the advertisement did not draw particular focus or attention to any particular body part, and that the depiction of the women 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 women.

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 that the advertisement depicted women in a group setting and considered that the women are posed in a manner which shows the various products. The Panel considered that the depiction of women modelling lingerie was not a depiction which lowered the models in character or quality.

The Panel considered that the depiction of the models did not lower the character or quality of the models and did not use sexual appeal in a manner that was degrading of the models.

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 noted



complainants' concerns that the advertisement depicted an orgy however considered that there is no suggestion that the people on the advertisement are engaged in sexual activity. 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 partial nudity is a factor when considering whether an advertisement contains nudity.

The Panel noted that the women in the advertisement are not entirely nude, however considered that some of the women are wearing a product which leaves their breasts bare (but nipples covered). 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' 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 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 poses of the models in the advertisement are not inherently sexually suggestive. The Panel considered that children viewing the advertisement would view a group of people in Halloween costumes or 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 and the depiction of a group of people, 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 women in the advertisement were in various forms of lingerie and some women's breasts are visible. The Panel considered however that this depiction did not show their nipples, and it is not the focus of the advertisement. Overall the Panel considered that there is no explicit focus on particular 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.