



**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>0291-21</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Out of Home</b>
<b>5. Date of Determination</b>	<b>27-Oct-2021</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Not Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a woman in blue bra and underpants. The underpants are strappy and her buttocks are visible. Her body is turned away from the viewer however her face is turned towards the viewer. She is posed with her hands on the outside of her upper thighs.

### THE COMPLAINT

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

*This is pornographic. I would like recorded and published in the "complaint" that I do not have time to lodge "complaints" for the other several pornography style ads which were showing on a loop on the window digital screen at the same time. Further, I would like it recorded and published that I object to the complaints handling system working in the favour of global porn brand Playboy Group (which now owns Honey Birdette), aiding and abetting children's exposure to graphic, explicit porn style sex shop ads.*

### 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 is pornographic.

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

### **Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*“Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*

*“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”*

#### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain sex.

#### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the woman was wearing revealing lingerie and there was a sexual element to the advertisement.

#### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.



The Panel noted that the woman in the advertisement is depicted in lingerie, and considered that this is a depiction of partial nudity.

### **Are the issues of sexuality and nudity treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

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 Panel noted that this image appears in store windows and considered that the relevant audience includes retail 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 include children.

The Panel noted that the woman is wearing strappy underpants and that a large portion of her buttocks and gluteal cleft is visible. The Panel considered that the pose of the woman and the placement of the hands gives the impression that she is spreading her buttocks and considered that in combination with her wide legged stance, the image is highly sexualised.

The Panel considered that the woman may be wearing g-string style underwear, however this was not apparent in the advertisement and the woman’s buttocks were almost completely bare. The majority of the Panel considered that the lingerie is sexualised in design with the inclusion of suspenders and that there is a more sexualised feel to the advertisement due to the woman’s pose and the focus on her buttocks.

The Panel considered that there was a high level of nudity in the image and that the image was overtly sexualised. The Panel determined that 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.

### **Section 2.4 Conclusion**

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.

### **Conclusion**

Finding that the advertisement did breach Section 2.4 of the Code the Panel upheld the complaint



### **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 relevant authorities regarding this issue of non-compliance.