

## Resolution of Council

**24 June 2024**

### **Item 14.2**

#### **Honey Birdette Broadway Shopping Centre Breaches**

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

(A) Council note:

- (i) Honey Birdette is primarily a lingerie store that also sells bondage, sex toy and fetish themed items;
- (ii) Honey Birdette has 46 stores across Australia, one being located in Broadway Shopping Centre in Glebe, opposite the centre’s main escalators and in clear view from children’s store LEGO;
- (iii) Honey Birdette uses large shopfront image displays to advertise their explicit product;
- (iv) the Australian Association of National Advertisers (AANA) is an industry and self-regulatory body for Ad Standards;
- (v) in September 2020, the AANA outlined changes to the Code of Ethics and Practices notes regarding sexual imagery in advertising, reflecting increased community concern and children’s exposure to sexualised images;
- (vi) section 2.2 of the AANA Code of Ethics states: Advertising shall not employ sexual appeal:
  - (a) where images of Minors, or people who appear to be Minors, are used; or
  - (b) in a manner which is exploitative or degrading of any individual or group of people;
- (vii) section 2.3 of the AANA Code of Ethics state: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised;

- (viii) section 2.4 of the AANA Code of Ethics state: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience;
  - (ix) Honey Birdette has been found in breach of one or more of 2.2, 2.3 or 2.4 or other sections of the AANA Code of Ethics more than 60 times;
  - (x) where a company owns the advertising medium, there is no clear enforcement mechanism;
  - (xi) Ad Standards have been attempting to get Honey Birdette to comply with Ad Standards for approximately five years;
  - (xii) Ad Standards are pursuing working with the Shopping Centre Council of Australia to ensure shopping centre owners put compliance with Advertising Standards in lease agreements, however, this has yet to be confirmed;
  - (xiii) the NSW Planning Legislation and Economic Policy Director has advised that the NSW Planning Department have no power to act; and
  - (xiv) a DA is not required for shop fit out and signage for stores within shopping centres where the signage is not visible from the public domain and planning controls cannot control advertisements or signage within shopping centres;
- (B) the Chief Executive Officer be requested to ensure the City advises all constituents contacting the Council with concerns that they should make a direct complaint to Ad Standards via <https://adstandards.com.au/make-a-complaint/> with details about each advertisement they find offensive; and
- (C) the Lord Mayor be requested to write to:
- (i) the Hon Minister Michelle Rowland MP, Minister for Communications and the Hon Minister Mark Dreyfus MP, Attorney General, outlining the more than 60 breaches of the AANA Code of Ethics by Honey Birdette, requesting a legally binding, strong, transparent enforcement mechanism to be put in place for serial non-compliers such as Honey Birdette, in order to uphold public safety in public places;
  - (ii) Ad Standards outlining the more than 60 breaches of the AANA Code of Ethics by Honey Birdette and the concern of the City of Sydney community and Council; and
  - (iii) the Shopping Centre Council of Australia, seeking their support for a mandatory change to all lease agreements to include compliance with Advertising Standards.

The motion was carried on the following show of hands –

Ayes (9) The Chair (the Lord Mayor), Councillors Chan, Davis, Ellsmore, Gannon, Kok, Scott, Weldon and Worling.

Noes (1) Councillor Jarrett.

Carried.

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