



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0379-20
2. Advertiser :	Honey Birdette
3. Product :	Lingerie
4. Type of Advertisement/Media :	Poster
5. Date of Determination	20-Jan-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

There are two versions of this poster advertisement.

The first version shows two women in red lingerie on either side of Santa. Santa is tied up with ropes.

The second version shows a woman in red lingerie who has one hand resting on Santa. Santa is lying on the ground with ropes around him.

THE COMPLAINT

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

This is a public shopping center filled with families & children who are Christmas shopping visiting Santa for photos & having no option but to be faced with these very large hoots displayed in large shop windows it is uncomfortable & degrading for women it is confusing for children this is adult only material that should be hidden away not public.

It's like it's aimed at kids with Santa, but then it's all about sex, and bondage, creepy and offensive. Children are seeing Santa in the same centre.



Not only is this devaluing women as it portrays them to be objects of sexual pleasure and that this is normal (when it's not!!!!) It is also in public display, in a busy shopping centre, where ANYONE can pass by and see. Children are getting their photo taken with Santa just metres away! When will devaluing of women stop, and when will young people be more protected against images like these?

I object to this repeat offender's appropriation of a well loved children's Christmas character for its larger than life porn-themed ads. These ads are displayed in shop windows just a short distance from where kids are having pictures taken with Santa. Is Brett Blundy's sex shop brand advertising BDSM and porn to kids?

Noting this advertiser has 45 upheld complaints against it, what is ad standards doing to get compliance from this.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The complaints refer to our use of Santa in the materials – please note, this was a CHRISTMAS campaign. Santa is a key representation of Christmas and has been included as a readily identifiable character at that time of year. Santa was a professional model and to suggest he was a 'dirty old man' is slanderous. There is nothing pornographic whatsoever about these images. There is no nudity or explicit content. Our brand is all about female empowerment and this is portrayed in our adverts. 2020 has inevitably created a 'cancel culture' and tying Santa up was simply to depict that.

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' concerns that the advertisement:

- Is degrading to women
- Portrays women as objects of sexual pleasure
- Features Santa and porn-themed imagery in close vicinity to children visiting Santa in the shopping centre
- Is inappropriate to be seen by a broad audience, which includes children.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.2: 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.

Does the advertisement use sexual appeal?

The Panel noted the first version of the advertisement depicted two women in sexualised lingerie and considered that the image did contain sexual appeal.

The Panel noted that the second version of the advertisement depicted a woman in sexualised lingerie in the foreground and considered that the image did contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel noted that the first version of the advertisement featured the two women leaning against the standing Santa who is tied up with rope. The Panel considered that Santa is looking upwards and not at the women, and that it is clear he is not treating the women in a way which would suggest they were objects or commodities. The Panel noted that the advertisement was for a lingerie product, and it was reasonable for the women to be depicted wearing that product in the advertisement. The Panel considered there was no irrelevant focus on the women's bodies or body parts.

The Panel noted that in the second image Santa appears to be lying down with ropes around him, and a woman in lingerie is sitting beside him. The Panel considered that the woman is depicted as being in control of the situation and is not depicted as an object or commodity. The Panel considered that the woman's torso and head are visible, and while she is wearing lingerie the focus of the advertisement is not irrelevantly on her body or body parts.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the women in both images interacting with Santa was an image which was relevant to the store's Christmas promotion and this did not lower the women in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the women.

Section 2.2 conclusion



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

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:

“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.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained 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 while the women and Santa were interacting, there was no indication that they were 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 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 by itself a depiction of sexuality.

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

Does the advertisement contain nudity?

The Panel 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 noted that the advertised product is lingerie and the women are portrayed wearing the product. The Panel considered that while the women’s genitals and entire



breasts are not exposed, some members of the community would consider the depiction of a person in lingerie to constitute partial nudity.

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

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 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 the complainant's concerns that the advertisement was depicted in some shopping centres near where children were getting photos with Santa. The Panel considered that there could be an increased child audience at this time of year.

The Panel considered that the lingerie worn by the women in both images covered their full breasts and genitals, and the level of nudity in the advertisement was not inappropriate for the relevant broad audience.

The Panel noted that the first version of the advertisement featured women posed with Santa as part of a Christmas promotion. The Panel noted the complainants' concerns that the depiction of Santa with rope around him was a suggestion that Santa was engaging in sexualised bondage. The Panel considered that children viewing the advertisement would not understand the advertisement to be a depiction of bondage.

The Panel noted that it had previously considered an advertisement for the same advertiser which featured Santa and a woman in lingerie in case 0541-17. In this case:

"The Board noted the woman is wearing lingerie and that though she is covered by the lingerie, it is lacy and brief and does expose a large portion of her body. The Board considered that in this instance the poses of the woman with her back curved and bust thrust forward positioned in front of Santa increased the sexual nature of the image and was more risqué than the usual style of lingerie advertised in store windows by the same advertiser. The Board noted that the poster appeared in the shop windows of the stores that are situated in Westfield shopping centres and that this meant that the audience



would include children. The Board considered that the depiction of a woman in lingerie being pulled in a sexually suggestive manner towards the man did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did breach section 2.4 of the Code.

A minority of the Panel considered that the iconography of Santa is inherently associated with and attractive to children, and that by pairing Santa with women in sexualised lingerie the advertisement was sexualising Santa in a way which was not appropriate to be seen by children.

The majority of the Panel considered that there was no indication in the first version of the advertisement that Santa was engaging in any sexualised behaviour. The Panel considered that the poses of the women were relaxed and not sexualised and that the overall advertisement was not highly sexually suggestive. The Panel considered that the depiction of women in lingerie with Santa was appropriate for a Christmas promotion for a lingerie store.

Similarly, the Panel considered that there was no overtly sexualised behaviour in the second image, and that the overall advertisement was not highly sexually suggestive.

The Panel considered that the level of sexuality and nudity in both versions of the advertisement was not inappropriate for the relevant broad audience.

Section 2.4 Conclusion

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.

Conclusion

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