



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0380-20</b>
<b>2. Advertiser :</b>	<b>Honey Birdette</b>
<b>3. Product :</b>	<b>Lingerie</b>
<b>4. Type of Advertisement/Media :</b>	<b>Poster</b>
<b>5. Date of Determination</b>	<b>20-Jan-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### 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 features two different versions.

In the first version two women dressed in black lace lingerie are standing next to Santa who is reading a list.

In the second version one woman stands in the foreground with her hand to her head, whilst Santa and another woman can be seen in the background.

### THE COMPLAINT

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

*The marketing normalised to all passers by that women should wear very little for the pleasure of others who are fully clothed. This was not hidden from the view of children, and no warning was provided to parents about avoiding that part of the shopping precinct. It was positioned near Santa was available for photo taking, which distorts the idea of what Santa is for (ie not just gifts and Merry spirit for children, but for interacting sexually with women).*

*I object to a sex shop's use of Santa for its porn themed ad. This ad portrays women as a male fantasy sex prop and is guaranteed to capture children's eyes and attention because of its appropriation of Santa. It is inappropriate to display ads which objectify*



women in the public space where an all age, non consenting audience is forced to view it.

### **THE ADVERTISER'S RESPONSE**

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

*The complaints all refer to our Christmas campaign. Given the unprecedented nature of 2020 we wanted to create a campaign that truly represented Christmas; Santa, presents and a bit of fun! There is nothing in any of our ads that contains confronting, sexualised or offensive imagery.*

*We seriously object to the complainant referring to Honey Birdette as a 'sex shop' and repeat once again that Honey Birdette is a premium retailer. Refer to the above re the use of Santa in the campaign. Once again, in no way does this ad objectify women, quite the opposite, they are clearly having fun and being playful. Lingerie gift giving is regularly in the top 3 category of gifts given at Christmas, this isn't about women wearing very little for other people's pleasure, this is about the reality of what males and females are buying at this time of year.*

### **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:

- Objectifies women and reduces them to male fantasy props
- Contains a high level of nudity
- Is inappropriate for viewing by children
- Features Santa and porn-themed imagery in the close vicinity of children visiting Santa in the shopping centre.

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 more prominently features one of the women, and that she is 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 and Santa who is looking at a piece of paper. The Panel considered that Santa is looking at the paper 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 is in the background and is out of focus. The Panel noted that the focus of the advertisement is the woman in the foreground and the lingerie she is wearing. 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 whilst she is wearing lingerie the focus of the advertisement is not 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 and the inclusion of 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 intercourse. 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 noted that the first version of the advertisement featured women posed with Santa as part of a Christmas promotion. The Panel noted that the bottom of bodysuit of the woman in the foreground was high cut, however considered that her genital region was appropriately covered and not the focus of the advertisement. The Panel noted that the neckline of the bodysuit was low and that her cleavage and the side of her breasts is visible. The Panel considered that her nipples were covered, along with most of her breasts and that her breasts were not the focus of the advertisement. The Panel considered that the level of nudity in the advertisement was not inappropriate to be seen by a broad audience.

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 woman in the foreground of the first advertisement was highly sexualised, with a vacant stare and revealing lingerie emphasising objectification. A minority of the Panel considered that the iconography of Santa is associated with and attractive to children, and that by pairing Santa with



women in highly 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 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.

The Panel considered that the lingerie worn by the woman in the foreground of the second image covered her genitals and full breasts and was not highly sexually suggestive. The Panel noted the woman was posed with one hand on her head, and one on her waist and considered that this pose was consistent with fashion poses designed to highlight the lingerie. The Panel considered that the woman was not posed in a sexualised manner. 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 appropriate 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.