



## Case Report

1	Case Number	0505/15
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	20/01/2016
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

There are two images in this Honey Birdette poster advertisement campaign: 1. A woman in red lingerie stands over a Santa Claus figure who is lying prone on the floor at her feet. The text reads, "Knock Santa's socks off!" 2. A woman in red lingerie is standing with her bent knee resting on Santa's lap. Santa has a red gag over his mouth. The text reads, "Silent Night..."

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*The ad uses an easily recognisable childhood icon - Santa Claus - to draw attention to advertising for a sex shop which masquerades as a high end lingerie store. People of all ages walk past this store in Westfield Shopping centres, the image of Santa Claus is sure to draw attention to children who happen to walk past and therefore the sexualised advertising depicted along with the image.*

*The ad is inappropriate as a form of outdoor advertising, there is no control over the age of the audience, which would include children. Given that this is a sex shop masquerading as a lingerie store it is disturbing that Honey Birdette would choose to advertise in this way. The advertising exposes children of all ages to the sexual objectification of women and*

*adult/sexual concepts which is highly irresponsible.*

*Santa is a child's fantasy character that symbolises the innocence of children at Christmas time. Children will naturally be attracted to the image of Santa Clause and especially as he seems to have fallen over. It could create concern for them. When they look closely they are confronted with highly sexual imagery that is completely age-inappropriate and would be disturbing to many. The connection between Santa and sex is so wrong. How long will it take to wake up to what Honey Birdette do every single Christmas?*

*Santa is bound and gagged in a somewhat demeaning activity (bondage), which is displayed at my children's eye-level.*

*I did not actually see the poster until my children (two 5yo's and a 3yo) pointed it out and wanted to know what Santa is doing.*

## **THE ADVERTISER'S RESPONSE**

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

*As always, we are very sensitive to the views of our customers and greatly appreciate this feedback. Honey Birdette was created by women for women, our aim being to empower them not depict them as a sexualised objects. The use of Santa imagery in our advertising is intended to be humorous and festive while still showcasing our product. Santa is in no way sexualised – he is in very traditional clothing with limited interaction with the model who is wearing our latest lingerie set “Mistress Red”. We actually refute the claim that “the image is extremely degrading to women as the woman is placed as a sexualised object” – perhaps the complaint came from someone who did not understand that we sell lingerie. In order to market and advertise lingerie, we need to show a model wearing it, however we do this in a way that empowers women rather than demean or degrade them. The image in question actually shows a very confident and composed woman in control of her environment. Please be assured that we put a lot of time and effort into to ensuring that it is not offensive whilst also representative of our brand. We have taken on board the feedback and the signage will be changed next week.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”). The Board noted the complainants’ concerns that the advertisement features highly sexualised images of a woman and that the inclusion of Santa Claus means the advertisement would be very attractive to children. The Board viewed the advertisement and noted the advertiser’s response. The Board noted there are two versions of this advertisement, each featuring a woman wearing red lingerie. The Board noted that in the first version the woman is standing over a prone Santa Clause with her hands on her hips and the text reads, “knock Santa’s socks off!” and the second version shows the woman standing with her bent knee resting on the lap of Santa who is bound and gagged on a chair, with the accompanying text, “Silent night...” The Board noted the first version of the advertisement. The Board noted that the woman’s private areas are covered by her lingerie. The Board 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 Board noted that

the model is wearing underwear available within the advertiser's shop and that the advertisement is a poster in the shop window. The Board considered that the image is relevant to the product. The Board noted it had previously dismissed similar complaints in case 0466/15 where: "The Board acknowledged that some members of the community would prefer that this type of advertising not be prominently displayed in stores within shopping malls, particularly where children can view them, but considered that the advertiser is allowed to advertise the products available to purchase within the store as long as the advertising complies with the relevant Codes... . . .The Board noted the style of lingerie worn by the women in the images and considered that although it is sexy underwear it is not revealing and the poses of both women are not sexualised or inappropriate... . . .The Board noted that the display of these images in the store window means they are visible to a broad audience which would include children but considered that overall the depiction of a woman wearing the advertiser's product does in this instance treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience." In the current advertisement the Board noted the inclusion of a male dressed as Santa Claus. The Board noted that in the first version of the advertisement Santa is lying prone on the floor and considered that whilst the inclusion of Santa Claus would make the advertisement more likely to catch the attention of children in the Board's view the level of nudity is relatively mild, the woman is posing in a strong and confident manner and is not sexualised and overall the image is consistent with similar advertisements in shopping malls for similar products. The Board considered that while Santa is lying under the tree there is no context to suggest if he is sleeping or knocked out. In the Board's view there advertisement is only mildly sexualised and would not be understood by children to have any sexualised impact. The Board considered that the first version of the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children. The Board determined that the advertisement did not breach Section 2.4 of the Code. The Board then considered the second version of the advertisement. The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised". The Board noted that this radio advertisement features a woman standing with her bent knee resting on the lap of Santa who is bound and gagged on a chair, with the accompanying text, "Silent night..." The Board noted that Santa is bound and gagged and considered that his facial expression suggests alarm at his situation. The Board also noted that this image is a large image in store windows and considered that the prominent inclusion of a man dressed as Santa would catch the eye of children in a manner that images of just the female models would not. The Board considered then whether the advertisement, in the view of the likely audience which in this case would include more children, depicts violence. The Board noted that the woman is standing with her knee resting on Santa's lap. A minority of the Board noted that the text reads, "Silent Night..." and considered that the imagery was a light-hearted play on words and was not intended to suggest actual harm towards the man dressed as Santa. The majority of the Board however considered that the pose of the woman, with her knee resting on the bound and gagged Santa, puts her in a position of power over Santa. The Board noted that Santa is bound and gagged and that this is a depiction of violence. The majority of the Board also considered that the image of Santa bound and tied in conjunction with the depiction of the woman in her lingerie standing over him while he is bound could be seen by people as suggestive of sexual violence and the expression on Santa's face would appear to strengthen this suggestion. The Board considered that the advertisement did present or portray violence and that this is not justifiable in the context of the product or service advertised. The Board determined that the second version of the advertisement did breach Section 2.3 of the Code. The Board

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 Board noted that in version two of the advertisement the female model is wearing a similar style of lingerie as in the first version and considered that her private areas are covered and the level of nudity is relatively mild in the context of product advertised. The Board noted the pose of the woman and considered that by resting her knee on the bound and gagged Santa and holding her finger up towards her parted lips the overall impression is more sexualised than the first version of the advertisement. Noting that the inclusion of Santa in a large store front window would be likely to draw the attention of children, the Board considered that overall the woman’s pose and the inclusion of a bound and gagged Santa suggests a sexual scene in a manner that is not sensitive to the likely broad audience. The Board considered that the second version of the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined that it did breach Section 2.4 of the Code. Finding that the second version of the advertisement featuring a bound and gagged Santa did breach Sections 2.3 and 2.4 of the Code, the Board upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

In response to the board’s determination I would like to say that from our end the campaign overall was very well received. During this Christmas period we experienced our strongest sales ever. The two lingerie sets that were displayed in the signage had one of the highest rate of sale that we have seen. As Honey Birdette continues to grow rapidly we will always strive to uphold the brand’s image and values. Empowering women is our main focus. The signage at our Rundle Mall, Charlestown and Chermside stores have all been removed. All of the stores are receiving new signage today. The image will no longer be visible.