



Case Report

1	Case Number	0541/17
2	Advertiser	Honey Birdette
3	Product	Lingerie
4	Type of Advertisement / media	Poster
5	Date of Determination	06/12/2017
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - nudity

DESCRIPTION OF THE ADVERTISEMENT

Poster advertisement of Scantily Clad woman in red lacy see through lingerie with santa in the background pulls at the garter strap on her leg with a written quote "sorry kids we gave Santa the night off". The images are titled Issy, Chloe and Madame.

THE COMPLAINT

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

These ads sexualise Santa in a family environment, nearby to where the mall's Santa is having photos taken with children on his knee. This must be extremely confusing and confronting for children and i observed children passing by the shop drawn to the picture of Santa, confused by the image who were then moved away by embarrassed parents. It is so inappropriate to take a image that directly targets children and use it to promote a range of very adult, sexy underwear. In addition, the nature of the images is one where an unempowered, nearly naked woman is groped and harassed by a much older, fully dressed man. Given the current climate where sexual assault is being called for what it is and especially around white ribbon day, images that normalise this type of behaviour and treat it as funny are totally inappropriate.

I believe this is inappropriate advertising for a public place such as a shopping centre. The particular image has the power to incite violence against women and introduce adult concepts and misunderstandings to kids at a far-too-early age.

It is not an appropriate location for the over sexualised content on the Honey Birdette shop front. Images of a woman in lingerie riding on top of Santa and another where Santa is pulling at the bra straps should not meet any legitimate standards in an area clearly visible to people of all ages. The nipples of the models are also visible in some of the images which I would consider to be inappropriate

I object to these posters because Honey Birdette has been pushing boundaries for years on how explicit their shop front posters are, which mostly feature references to pornography or the sex industry, with the women in hypersexualized exaggerated poses & extremely scanty, barely visible at times, lingerie that is clearly inspired by BDSM & porn or performance than actual lingerie women would normally wear.

This campaign must surely have crossed legal boundaries as they draw the attention to children by saying "kids, we gave Santa the night off," featuring "Santa" in "intimate" settings/poses & "playing" with the models. There is no ambiguity about what's going on, it is adult sexual "humour" in a family setting, made worse by the fact that the gazebo style booth for children to have Santa photo's is less than 10 metres away & well within view, impossible to miss on the way to, & as people would be organizing photo's or queuing up.

The issues specifically,

>inappropriate to expose children to adult material/sexual concepts

>confusing to children, & potentially, puts them in danger, as seeing Santa with women almost nude in sexual context, is highly confusing & complex for them to process & relate to their own safety & boundaries with adults, including any man dressed as Santa.

>destroys childhood innocence; no explanation can repair the damage, once seen, those images cannot be unseen.

>these types of hypersexual porn inspired objectifying images are sleazy, & by their presence in a "family" or public place, in particular shopping centre, create a seedy feeling in the centre. To notice the way men & boys look at the posters, often barely even bothering to disguise ogling, is uncomfortable.

>posters like these would be considered sexual harassment in a workplace; a shopping centre is a workplace for the staff

THE ADVERTISER'S RESPONSE

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

In regards to the posters, like all retail brands, we advertise our product in our posters and mannequins in line with the advertising standards, much like other lingerie companies. We change our posters quite often in line with our new collection drops and we have a new collection dropping in the near future, so our posters will be updated. It is definitely not our intent to offend anyone in anyway. You will find we are all incredibly passionate about empowering women and making them more comfortable with the skin they're in.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the images are over sexualised and exploitative and degrading of women, and features images that are overtly sexualised and inappropriate for viewing by children.

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

The Board noted there are 3 versions of this poster advertisement, each featuring women in lingerie of different styles and includes Santa. Two of the images include the tagline is “sorry kids, we gave Santa the night off.”

Image 1 – ISSY has a model in red lingerie. She is standing in front of Santa and he has hold of her garter strap with one hand raised as if to slap her bottom. There is a large red bow at the top left of the image.

Image 2 – CHLOE has a model in a white bodice and underpants and garter and Santa is in the background. The poster includes the text “sorry kids we gave Santa the night off.”

Image 3 – MADAME – has a model in red lingerie sitting on top of Santa. He is lying on his back and her hands are on his chest. This image includes the text “sorry kids we gave Santa the night off.”

The Board determined that each image would be individually assessed against the relevant sections of the Code.

The Board first noted image 1 – Issy. The Board noted that the image includes a model with her head turned to the camera standing in front of Santa. He is holding the strap of her garter outstretched.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - purposefully debase or abuse a person for the enjoyment of others, lacking in moral, artistic or other values

Degrading – lowering in character or quality a person or group of people.

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the lingerie being worn by the models in the posters are in keeping with typical lingerie advertising for this advertiser and considered that it is not inappropriate for an advertiser to depict women wearing the advertised product. The Board also considered that in the context of a lingerie advertisement, a depiction of women wearing this lingerie is not of

itself a depiction which is exploitative or degrading.

The Board noted that the model is dressed in lingerie while Santa is clothed and that the style of lingerie does provide an image that is sexually appealing. The Board noted that the woman is being pulled toward the man by her lingerie and his other hand is raised in a position suggesting he is about to slap her. The Board noted that the overall impression is that the positioning of the woman and Santa's actions are suggesting that her purpose in the image is for the enjoyment of the man. The Board considered that this depiction of the woman was a depiction that was exploitative.

The Board considered that the depiction of the woman in lingerie being pulled towards a man fully clothed was an imbalance that was a depiction that was lowering in character of the woman and did purposefully debase or abuse a person for the enjoyment of others.

The Board considered that the advertisement did employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people and did breach Section 2.2 of the Code.

The Board then 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 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.

The Board then considered image number 2 – Chloe. The Board noted the image featured a woman in a white bodice and underpants with Santa in the background looking at her. The text reads "sorry kids we gave Santa the night off."

The Board considered section 2.2 of the Code. The Board noted that the model was well covered by the lingerie and that in contrast to the image above of Issy, the interaction between Santa and the model was much less and did not have the same level of intimacy. In the Board's view, the poster image of Chloe was not lowering in character and did not purposefully debase or abuse a person for the enjoyment of others and did not breach section 2.2 of the Code.

The Board then considered section 2.4 of the Code. The Board noted the style of lingerie worn by the woman in the advertisement is sexy but noted that the woman's private areas are covered. The Board noted that the woman's breasts are being pushed upwards in the bodice and that there is a large amount of cleavage and breast visible. The Board noted that the woman has bright coloured lipstick on and her lips are parted increasing the sexual nature of

the image. In the Board's view the pose of the woman is sexualised. The Board considered that in the context of an advertisement featured in the store window of a shop within a public mall, the image is inappropriate and does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did breach section 2.4 of the Code.

The Board then considered image number 3 – Madame. The Board noted the image featured a woman in red lingerie sitting on top of Santa with her hands on his chest. The text reads “sorry kids we gave Santa the night off.”

The Board first considered section 2.2 of the Code. Similar to the image of Issy above, the Board noted that the model is dressed in lingerie while Santa is clothed and that the style of lingerie does provide an image that is sexually appealing. The Board noted that the woman is positioned on top of Santa and that in connection with the text “we gave Santa the night off” is suggestive of activity that is of a sexual nature. The Board noted that in contrast to the image of Issy mentioned above, the woman is in a much stronger and dominant position by positioning herself on top of Santa. In the Board's view as the woman is depicted largely in control of the situation, the depiction did not amount to an image that is degrading.

The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people and did not breach Section 2.2 of the Code.

The Board lastly considered section 2.4 of the Code. Consistent with a previous determination in case 0005/17 and 0351/17, the Board noted that there is a level of community concern about the sexualisation of children and acknowledged the placement of the advertisement meant the relevant audience was very broad and would include children. The Board noted that the use of Santa in the advertisement would immediately draw the attention of children.

The Board noted the style of lingerie worn by the model in the advertisements and noted that this lingerie is sold in the store and considered that although it is reasonable for advertisers to promote their products they should take care when using products which have a more sexualised look than regular lingerie. The Board considered that the depiction of a scantily clad woman straddling Santa is highly sexualised and given the broad audience which would include children does not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and did breach section 2.4 of the Code.

Finding that all three images titled ‘Issy,’ ‘Chloe’ and ‘Madame’ did breach Section 2.2 and/or section 2.4 of the Code, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We are a global retailer for women, by women. 95% of our 270,000+ customers are women. Please be assured that we put a lot of time and effort into ensuring that our campaigns are not offensive whilst also representing our brand.

The current posters will remain displayed in our windows until our Christmas campaign is complete.

