

COMPLAINT NUMBER	18/423
COMPLAINANT	D Coneybear
ADVERTISER	Ponsonby Central
ITEM	Out of Home, Santa Display
DATE OF MEETING	10 December 2018
OUTCOME	No Jurisdiction

Advertisement: A display on the roof of Ponsonby Central in Auckland has a Santa figure dressed as ‘Santa Poppins’, with an umbrella, carpet bag and a coat open at the waist revealing underwear and suspender belt.

The Chair ruled the Complaints Board did not have jurisdiction to consider the complaint.

Complainant, D Coneybear, said: I find the Santa displayed at Auckland’s Ponsonby Central very offensive. Not because of the message they are trying to convey. We need to celebrate gender diversity but not like this. Santa has his underwear clearly displayed. This is very inappropriate. Santa is for kids. Kids look at this and what do they see? A grown man flashing his undies. There is a word for that paedophile. This display is so inappropriate and children should not be exposed to this.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);

The Chair noted the Complainant’s concerns that the Santa display was offensive.

The Chair referred to the ASA definition of an advertisement, which states:

“Advertising and advertisement(s)” are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.”

The Chair noted the item complained of was a Christmas display at the Ponsonby Central Shopping Centre. The Chair did not consider the display met the ASA’s current definition of an advertisement.

The Chair ruled the display was not an advertisement and the Advertising Standards Complaints Board did not have jurisdiction to consider the complaint.

Chair’s Ruling: Complaint **No Jurisdiction**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.