



Case Report

1	Case Number	0089/16
2	Advertiser	Sin City Gentleman's Club
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard - Mobile
5	Date of Determination	09/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This mobile billboard for Sin City Gentleman's Club features an image of two women wearing red and black lingerie and long black boots. The women are stood facing one another with their breasts touching. The logo is in the top left corner and features a black and white image of a woman wearing a bikini or lingerie and the name of the advertiser. The text reads, "Wednesday to Sunday 8pm till late".

THE COMPLAINT

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

It is because of the sexualisation of the women. It was very provocative and not appropriate for families to see in the late afternoon on the roads. I also do not like seeing women portrayed in such sequined poses in such proactive clothing.

This mobile billboard was turning into Old Princes Hwy, heading towards 4 primary and secondary schools - at school pick up time! It was in an inappropriate location at a very inappropriate time. A billboard of this nature should not be advertising at this time of day or near schools.

THE ADVERTISER'S RESPONSE

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

I have read the complaints made towards Sin City Gentlemen's Club and I have made arrangements for the new driver who has taken my position in driving the truck during the day to take alternative routes so we don't offend any persons.

We are not with intention marketing towards children as it has no value to a business such as ours, the driver who was on that route was just using the Old Princes Hwy to head back towards Dandenong after being on the Monash freeway.

We have since made alterations to both trucks to minimise the offence our trucks may cause to other road users by placing large signs across the said offensive areas and hope what we have done is satisfactory to your standards.

I honestly believe the advertising we are currently using is less offensive as to the advertising we've had in the past as I've kept in mind what you have approved in the past and kept within the standards. The picture used is a picture of our Dance Manager and one of her Entertainers professionally photographed in a non-explicit manner.

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 depicts sexual images of women and is not appropriate for children to view.

The Board viewed the advertisement and noted the advertiser had not provided a response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this mobile billboard advertisement features an image of two women wearing lingerie facing each other so that their chests appear to be touching.

The Board considered that consistent with previous determinations (0370/14, 0178/15, 0038/16) the use of women to promote a gentleman's club is not of itself discriminatory or vilifying of women.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 that in order to breach this Section of the Code the images would need to be considered both exploitative and degrading.

The Board noted that some members of the community would find that images featuring women in lingerie to be exploitative and that the emphasis on the women’s bodies is exploiting their looks. The Board noted however that the image of the women is relevant to the product advertised and considered that they are posed in a seductive, but not demeaning, pose. The Board considered that the women are not presented in a manner which is degrading.

Consistent with recent decisions against similar images (0241/14, 0370/14) the Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Board determined that the advertisement did not 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 that the advertised product is a nightclub which features scantily clad women as part of its service and considered that the image used in the advertisement is clearly related to the product being advertised and that it is custom to use images of scantily clad women when promoting a gentleman’s club.

A minority of the Board acknowledged that images of scantily clad women are often used to promote this type of service but considered that in this instance the size of the image showing the women increases the impact. A minority of the Board noted that the women’s breasts appear to be touching and considered that in the context of a large image on a mobile billboard this pose is sexualised and not appropriate for the relevant broad audience which would include children.

Following considerable discussion however the majority of the Board considered that the women’s breasts and genitals are appropriately covered and that whilst the women’s breasts do appear to be touching in the Board’s view their poses are confident rather than sexualised and overall the image is not overly sexualised. The majority of the Board acknowledged that the size of the image means that it would be very visible to the broad community but considered that the image is not sexually explicit or suggestive, or inappropriate in the circumstances.

The majority of the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.