



## Case Report

1	Case Number	0285/16
2	Advertiser	Sin City Nightclub
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement depicts a woman holding a tray with two drinks on it. The woman is wearing a bustier-style top which is cropped to show her stomach. The text reads, "SIN City. Australia's No.1 Nightclub. 7 nights a week. Surfers Paradise".

### THE COMPLAINT

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

*Firstly it is not appropriate for young viewers. It involves the sexualisation and objectification of women - and it does not belong in 2016. It is demeaning and degrading to women. Moreover, it can damage young girls and young men who think this is normal and acceptable. It can contribute to mental illness and is not healthy for all in our society. It is distasteful and disrespectful to women and it evokes feelings of disgust in me every time I see it - I have to drive passed it to go to work each day.*

*I used to work for a company who did breast implants. I saw many complications from the surgery which left many women disempowered and with a decline in their mental wellbeing, and even sometimes their physical well-being. I saw women putting their lives at risk simply to be ripped off thousands of dollars just to look like these stupid billboards who tell women*

*they should look like this and expect men for their partners to look like this.*

*It is unethical. It is unjust. It does no favours to society. Please remove, I'm tired and I'm sure a lot of people are, of seeing this disgusting piece of trash.*

## **THE ADVERTISER'S RESPONSE**

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

*We don't believe the advertisement is degrading at all as all our staff are very comfortable wearing their uniforms. We have also never had a complaint inside our venue about the uniforms. The lady on the billboard is a mother of two and has no problems with the advertisement herself. Most nightclubs and even bars and restaurants have uniforms like this, and don't believe it shows any sort of nudity. The advertisement symbolises our brand as a nightclub, and attracts our target market. I believe our brand does not contribute to mental illness as it is all about a fun and lively place where any type of person can come to socialise and enjoy themselves. SinCity is also a worldwide known nightclub and helps boost tourism on the Gold Coast. Thank you for bringing this complaint to our attention, I look forward to hearing from you.*

## **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 complainant's concerns that the advertisement involves the sexualisation and objectification of women, is demeaning and degrading and that it can damage young men and women who think this is 'normal' representation of women.

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

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 this billboard advertisement features an image of a woman wearing a white bustier-style top holding a tray of drinks.

The Board noted it had previously dismissed complaints about the same advertisement in case 0332/11 where:

"The Board noted that the predominant image is of a woman holding a tray of drinks and that, although her top is low cut and reveals a considerable amount of cleavage, the advertisement is not strongly sexually suggestive.

The Board noted the reference to 'Sin City' and that this is the name of the venue advertised.

The Board noted that this type of venue is permitted to be advertised and that the use of this term is relevant to the product and is presented in a manner that is not inappropriate.

The Board considered the overall impact of the advertisement is only mildly suggestive of sex and not inappropriate for the relevant audience.”

The Board noted that a period of 5 years has passed since its previous determination and considered that Community Standards can change over time.

The Board noted the complainant’s concern that the advertisement is demeaning and degrading to women.

The Board noted that in order to breach this Section of the Code the image used in the advertisement would need to be considered both exploitative and degrading.

The Board noted the AANA Practice Note which defines both exploitative and degrading as follows:

- ‘exploitative’ means clearly appearing to purposefully debase or abuse a person or group of person, for the enjoyment of others, and lacking moral artistic or other values.
- ‘degrading’ means lowering in character or quality a person or group of persons.

The Board noted that this Section of the Code was introduced in 2012 and therefore the Board did not consider this Section in their original determination which was in 2011.

The Board noted that the woman in the current advertisement is clothed and is holding a tray of drinks. The Board noted that some members of the community could find it exploitative to use images of women in advertisements of this nature but considered that it is not unreasonable for advertisers to use attractive models in promotions of their venues and in the Board’s view the manner in which the woman is presented is not degrading.

Consistent with previous determinations for billboard advertisements for similar venues (0370/14, 0178/15) 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 some members of the community would prefer that this type of adult venue not be advertised but considered that nightclubs such as this are legally allowed to be advertised in Australia.

The Board noted the advertiser’s response that the model is wearing the staff uniform. The Board noted that the woman in the advertisement is wearing a cropped white bustier style top which exposes her midriff. The Board noted that while the top of the woman’s breasts are visible the Board considered that the woman’s nipples are covered and the level of nudity is

mild. The Board noted the placement of the advertisement on the Gold Coast and considered that the level of nudity was not inappropriate in the context of a beach and entertainment location.

The Board noted the pose of the woman and considered that she appears confident and in control and in the Board's view this image of a woman holding a tray of drinks is not sexualised or intended to be interpreted as a sexual image. The Board noted the wording of the advertisement and considered it is factual, not sexualised, and makes no reference to any sexual activity.

Consistent with previous determinations for similar billboard advertisements (0370/14, 0178/15, 0038/16) the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainant's concern that the advertisement can damage young men and women who think this is 'normal' representation of women. The Board noted that the woman in the advertisement is slim but considered that she does not look underweight and there is no suggestion that this is how all women should look. The Board noted the complainant's concern that the woman in the advertisement has had a 'boob job' and considered that whether or not this woman has had surgery is irrelevant. The Board noted that the woman in the advertisement appears healthy and in the Board's view the advertisement does not suggest women should have breast surgery in order to have the same size breasts as this woman.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on healthy body image and determined that the advertisement did not breach Section 2.6 of the Code.

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