



Case Report

1	Case Number	0399/16
2	Advertiser	My Alibi
3	Product	Sex Industry
4	Type of Advertisement / media	Outdoor
5	Date of Determination	28/09/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement depicts a woman with blonde hair standing side on, looking over her shoulder, with her left hand extended and pulling down her underwear.

The text reads "I'll be your alibi", "\$10 discount on 1 hour booking"

At the bottom of the poster is the name and address of the advertiser: "My Alibi, Big Boys Toys, 35A Northgate Drive, Thomastown"

THE COMPLAINT

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

Sexualises females. Is placed outside my daughter's bed room.

THE ADVERTISER'S RESPONSE

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

Please see below for the response to the complaint Reference number 0399/16

Issues Raised to Date

2.2 Objectification Exploitative and Degrading - Women

2.4 Sex / Sexuality/ Nudity - General

Section 2.2 of the AANA Code of Ethics "Advertising or Marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people"

MyAlibi submits that the advertisement does not breach Section 2.2 of the code. The poster is of a single female, who is standing , holding her underwear. She is upright, not posed in any sexual manner, and is not exposing any genital / body parts at all. There is no evidence to suggest that the woman pictured is being exploited or degraded.

An association of a women standing, portraying herself with confidence to being degraded / exploited is unreasonable.

Section 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience

MyAlibi does not believe the advertisement has breached this section. There is no breasts or genitals shown in the picture. The female is standing upright, with the angle of the photo on her left hand side. The female has her thumb on her underwear. There is no evidence to indicate she is pulling her underwear down, it could suggest she is holding it on one side.

MyAlibi's position is that the advertisement was sensitive to the issues of sex / sexuality and nudity.

MyAlibi Management has acknowledged that the complainant has mentioned the picture was "placed outside" his daughter's bedroom. This is difficult to gauge as the location is not specified. Rock Posters - Media Buyer were unable to locate the vague site mentioned to check the validity of this. The intended marketing campaign was intended for 8 weeks spanning till February (2 weeks August / October / December / February) distributing 800 Posters.

Considering this complaint, the concerns raised and that locations are not specific for the Advertiser, a decision was made to end this campaign.

The decision was based not on an admission of breach as MyAlibi remains adamant that no breach has been made, but more to reconsider its poster as the locations are out of the Advertisers control.

The Brothel Industry is a highly regulated and legal industry that is allowed to advertise in mainstream avenues.

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 sexualises women in its depiction of a woman tugging at her g-string.

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

The Board then 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 be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that this outdoor advertisement features a woman tugging down her g-string with the text, “I’ll be your alibi…” written next to her head.

The Board noted the advertisement is promoting a gentlemen’s club. The Board noted the Practice Note for Section 2.2 which provides the following definitions:

- “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 considered that the use of a woman in an advertisement for a gentlemen’s club is relevant to the advertised product/service. The Board acknowledged that some members of the community would prefer this type of product/service not be advertised but considered that this product/service is legally allowed to be advertised and in the Board’s view the image itself does not debase or abuse a person for the enjoyment of others given the nature of the advertiser’s business.

The Board considered that the woman in the advertisement looks over the age of 18 years. The Board noted the woman is smiling and considered that her overall appearance and demeanour is suggestive of her being confident and in control and the image is not degrading to this woman or to women in general.

The Board considered that the advertisement did not employ sexual appeal in a manner that is both exploitative and degrading to women.

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 the complainant’s concern that the image is sexualised.

The Board noted that although the woman is only wearing a g-string her pose means that her breasts, and nipples, are not visible. The Board noted the woman has a finger hooked in her g-string. A minority of the Board considered that this action is part of the woman's pose and is not intended to suggest that she is in the act of pulling down her g-string.

A majority of the Board however considered that the woman does appear to be in the process of pulling down her g-string and in their view the overall impact of the model's pose coupled with this action is provocative and sexualised. The Board noted the Practice note for Section 2.4 which provides: "...unacceptable images could include those where a woman (or man) is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person)..." The majority of the Board noted that this is an outdoor advertisement able to be seen by a broad audience and considered that consistent with previous determinations in cases 0216/10 and 0134/11, the image of a woman in the act of pulling down her g-string was suggestive, sexualised and not appropriate in the context of an outdoor advertisement that can be seen by a broad audience.

The Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Thank you for the time spent on the complaint raised by a concerned member of public. MyAlibi's accepts the decision made that is based in public interest.

MyAlibi management had the posters taken down after the complaint was received. The artwork was reconsidered and new artwork without any images has been redesigned. Fortunately the brotherly industry has constant scrutiny and laws that protect all parties, and this decision has been accepted fully by MyAlibi management.

It was pleasing to see that the board was able to recognise that the brothel Industry is a legal industry that should be able to advertise amongst other mainstream advertisers. Consideration should be paid over the archaic rules and regulations that are imposed on the Legal Adult Industry, whereby more funding and attention must be directed towards the ever expanding illegal sex industry which operates throughout Victoria seemingly without suitable sanctions.

MyAlibi has just been awarded the "Best Overall Brothel" in Australia, an award that it takes pride in for maintaining high standards and delivering excellent service / facilities to all clients and sex workers.

INDEPENDENT REVIEWER'S RECOMMENDATION

