



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0153/18
2	Advertiser	Goldfingers Mens Club
3	Product	Sex Industry
4	Type of Advertisement / media	Poster
5	Date of Determination	11/04/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This poster advertisement features an A2 sized poster promoting a Hard Rock themed night being run in the venue, being an entertainment venue/night club. The poster features a woman in lingerie with a guitar.

THE COMPLAINT

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

The posters put up on the corner of Lonsdale and King street on the building are always sexually explicit and suggestive. Even though there is no full frontal nudity, they are still sexually explicit and make me very uncomfortable as I stand by that corner each morning waiting for the traffic lights. It's unavoidable, and I feel unnecessary for the business to advertise such an explicit poster to promote their theme night or weekend. I walk past with my child each day as we live behind the building so even though I have no objection to the business operating, I would really like their advertising posters to be toned down as to not be so suggestive and explicit.



THE ADVERTISER'S RESPONSE

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

- *We have attached Jpeg & PDF files of the poster that has been raised this complaint.*
- *We are very respectfully toward the amenity of the area and strictly regulated under our liquor license, we therefor are happy to engage and work closely with any community concerns.*
- *We have already taken down the poster that has been queried.*
- *We would like to note; the description of the poster in the complaint does not match the actual poster that was on display (20/2), and have attached a copy of an Instagram post does match the description of this complaint. However the Instagram post has never been displayed in poster form on or around our venue. As we carefully screen the content of all promotional material to ensure they meet community standards and guidelines.*
- *We would like to add, the poster that was on display is not sexually explicit, the performer in the photo does not have her legs spread wide open as she is kneeling with guitar between her thighs and she does not have her tongue out.*
- *We suspect that a competitor has lodged this complaint under the guise of a resident complaining, due to the above inconsistencies between the poster and the description in the complaint.*
- *We draw this conclusion as a "reasonable person" in this day and age would most likely take a photo of the poster as evidence.*
- *In summary, we respect the process and will abide by your determination. Re-iterating the poster has since been taken down, I as the general manager am available at anytime to engage with the public and ensure we continue to coexist harmoniously having been at this location for 21 years. And we have attached Jpeg and PDF of the poster that was on display, and have also attached a copy of the Insta picture that appears to match the complaint, but as said we have concerns with regard to the validity of the complaint and at all times respect the process and await your determination.*

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel reviewed the advertisement and noted the advertiser's response.

The Panel noted the advertisement features a woman in lingerie with a guitar. The surrounding text advertises a themed event at the venue.



The Panel noted the advertiser's response that the description of the advertisement did not match the poster outside the venue, but rather matched an Instagram post. The advertiser provided both advertisements, and given the similarities between the two the Panel considered the likelihood that the complainant may have looked for the advertisement online in order to describe it when complaining. Based on the complaint and the material provided by the advertiser, the Panel considered the content of the poster advertisement only.

The Panel 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 Panel noted the complainant's concern that the advertisement was extremely explicit and sexually suggestive, and not appropriate to be a poster in the street.

The Panel considered the Practice Note for the Code which states:

"Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product."

The Panel noted that the product is a gentleman's club and that although the woman's genitals are not visible there is still a strong suggestion of sexuality, portrayed by the positioning of the guitar between her legs, the rips in the woman's stockings near her upper thigh and the minimal covering of her crotch.

The Panel considered that the positioning of the guitar and the woman's expression could be interpreted as the woman may be using the guitar for sexual gratification.

The Panel noted the advertiser's response that the advertisement had already been removed.

The Panel noted that the venue is located on the corner of two busy streets in Melbourne CBD and the posters promoting the events at the venue were positioned on the exterior walls of the building.

The Panel considered that although the poster may be acceptable in other locations within the venue, the level of nudity and the sexualised depiction of the woman in the advertisement amount to a level of sexualised content which was inappropriate for an outdoor poster that would have a broad audience that would include children.

The Panel determined that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and determined that it did breach Section 2.4 of the Code.



Finding that the advertisement did breach Section 2.4 of the AANA Code of Ethics, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

To whom it may concern.

We would like to state we respect the findings & your decision.

Moving forward we sincerely apologise for any offence caused by our ad. And reiterate the poster was immediately removed upon receipt of the original complaint. And further confirm the said poster will never be used again, & has been taken out of circulation.

We hope our actions are taken into consideration.

Thank you again for your assistance in navigating this process