

Case Report

1. Case Number :	0235-23
2. Advertiser :	Kittens
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	25-Oct-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This mobile billboard advertisement features an image of six women in swimwear, pulling down their bikini tops from the middle.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The objection is the sexism and sexual content of the advert in the middle of the city, at 6.30pm. We had left the theatre and were waiting for an Uber with our 13 and 15 year old children and do not think its appropriate content to advertise in public but especially at this time and place with children and families everywhere. I took a photo of the billboard which is approx 2-3 m x 4-5 m> it is illuminated and not in anyway subtle.

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

THE DECISION

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

The Panel noted the complainant's concern that the advertisement is sexist, overtly sexual and inappropriate for display in a public space.

The Panel viewed the advertisement and noted the advertiser did not respond.

Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

Does the advertisement use sexual appeal?

The Panel noted that the advertisement features a group of women in swimwear who are pulling on the centre strap of their tops. The Panel considered that the advertisement did contain sexual appeal.

Does the advertisement use sexual appeal in a manner that is exploitative?

The Panel acknowledged that some members of the community would find the type of business with women providing sexual services for men to be exploitative. The Panel noted however, that this type of business is legally allowed to operate in the area and that it could consider only the advertising or promotion of the business that is visible to the broader community not the behaviour or service it is promoting.

The Panel considered that there was a focus on the women's bodies in the advertisement, however noted that the advertised product is a venue which features scantily clad and naked women as part of its service. The Panel considered that the

women appear confident and in control and do not appear to be objects or commodities. The Panel considered that the image used in the advertisement is clearly related to the product being advertised.

Does the advertisement use sexual appeal in a manner that is degrading?

The Panel considered that the depiction of the women was relevant to the promotion of a gentleman's club and that this did not lower women in character or quality.

Section 2.2 conclusion

Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code states:

"Overtly sexual images are not appropriate in outdoor advertising or shop front windows.

"Although not exhaustive, the following may be considered to be overtly sexual:

- Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- Suggestive undressing, such as pulling down a bra strap or underpants; or*
- Interaction between two or more people which is highly suggestive of sexualised activity.*

"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.

"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that the advertisement features a group of women or are not interacting and are not engaged in sex. The Panel considered that the advertisement does not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the women in the advertisement were wearing swimwear and pulling on the centre strap of their tops, and considered that the advertisement did contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the women in the advertisement were wearing swimwear, and considered that this is a depiction of partial nudity.

Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this image appears on a moving truck and is illuminated. The Panel considered that the audience would be broad and would include children.

The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by people viewing the advertisement and noted that some members of the community would prefer that these types of businesses are not advertised, however noted that advertising them is legal and a promotion of such services is not itself a breach of the Code.

The Panel considered that the pose of the women in the advertisement is sexualised as they are all pulling the centre strap of their swimwear downwards between their breasts. The Panel considered however that this is not a suggestion of undressing, but rather a stereotypical coquettish pose.

The Panel considered that in the instance a child viewed the advertisement, they would be unlikely to understand the sexual nature of the promoted business itself, but rather see a group of women in swimwear. The Panel considered that the advertisement was moderately sexualised, but that the advertisement did treat the issue of sexuality with sensitivity to the relevant audience.

Section 2.4 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.