



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0026-20
2. Advertiser :	Doll House Gentleman's Club
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Radio
5. Date of Determination	12-Feb-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

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

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a voice over stating: It's late, you're up, there's nothing on Netflix... You want more fun; you need more chicks! Where are the hot ones, to take off their blouse? At this time of night, you know it's The Doll House! Get close to Perth's hottest honeys and sassiest sweeties, At the Doll House! Wednesdays to Saturdays, 8pm 'til 5am - with no lockouts. 329 Charles Street North Perth.
Dollhouse.com.au

THE COMPLAINT

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

This ad was blatantly referring to women taking their shirts off and men being able to get close to 'topless honeys' at this club when it may be harder to do so outside of the club. I was listening to the Hit 92.9 station at 7pm with my daughter in the car when this ad came on and was shocked at the sexually explicit content, let alone the degrading representation of women.



THE ADVERTISER'S RESPONSE

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

Broadcast of the Advertisement

The Advertisement has been regularly broadcast on Hit 92.9 since October 2019. While we respect the right of any member of the community to complain about an advertisement, we note that no other complaint has been received in relation to the Advertisement in the three months that the Advertisement has been on air.

We also note that the target demographic of listeners on Hit 92.9 are predominantly adults (aged 18-39) and programming and advertisements are targeted towards an adult audience.

Your letter indicates that the Advertisement raises issues under section 2 of the AANA Code of Ethics (Code).

While we understand that the advertisement of adult themed products and services may raise some level of community concern, we are confident that the Advertisement does not contravene section 2 of the Code.

Our comments in respect of section 2 of the Code are set out below.

2.1

The Advertisement does not depict material which discriminates against or vilifies a person or section of the community on these grounds.

2.2

The advertisement does not employ sexual appeal using images of Minors or people who appear to be Minors.

The Advertisement was created to advertise the services of Doll House Gentleman's using discreet language that is not likely to be interpreted by Minors.

The Advertisement was aired at 18:59 on Saturday 14 December, which we do not generally consider to be a time when children are likely to be listening.

To further limit exposure to children, moving forward the Advertisement will not be aired between 7am-9am, 3pm-6pm and 7pm-10pm.

We do not consider the content of the Advertisement to be exploitative or degrading of any individual or group of people.

As acknowledged in Case 0098/19, "adult themed products [...] are legally allowed to be advertised".

2.3

The Advertisement does not present or portray violence.

2.4

We are confident that the advertisement does not present sex, sexuality or nudity.



The Advertisement was scripted to advertise the services of Doll House in a mild-mannered, cheeky tone, with consideration surrounding the language and decency, in-line with community standards.

The Advertisement does not include sexually explicit language or use of the word sex.

2.5

The advertisement does not employ strong or obscene language.

2.6

The Advertisement does not depict material of this nature.

2.7

The Advertisement is clearly distinguishable as an Advertising or Marketing Communication.

Other Codes

The Complaint does not fall within the remit of the AANA Code for Marketing & Advertising Communications to Children or the AANA Food & Beverages - Advertising & Marketing Communications Code.

Conclusion

For the reasons set out above, we request that the Complaint be dismissed.

THE DETERMINATION

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 contains sexually explicit content inappropriate for broadcast at 7pm and was degrading towards women.

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

The Panel noted that Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) 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 - means (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.”

The Panel noted that the advertised product is a gentlemen’s club. The Panel noted that some people may prefer not to have such establishments advertised and prefer that such establishments not be allowed to promote the services available at such venues but noted that such businesses are permitted to advertise provided the content of the advertisement complies with the Code.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the nature of the business and the language of the advertisement describing women taking off their blouse is a representation which most members of the community would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered the advertisement did not suggest the women are objects, or for sale, rather the business provides private dances as a service and clients are able to select the woman they’d prefer to receive the service from. The Panel considered that being able to choose the person to provide an exotic service is not a depiction which is exploitative.

The Panel considered that there was a focus on the concept of women taking off their clothes, however noted that the advertised product is a nightclub which features scantily clad women as part of its service. The Panel considered that the language used in the advertisement is clearly related to the product being advertised.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel then considered whether the advertisement used sexual appeal in a degrading manner.

The Panel considered that the advertisement described the women working at the establishment as the “hottest honey’s” and “sassiest sweeties”. The Panel considered that while some women may consider this description to be offensive or patronising, in this context the advertisement is intending to be complimentary in describing the employees of the gentlemen’s club.

The Panel considered that the manner in which the advertisement referenced the women was not inappropriate and the women were not treated in a manner which lowered them in character or quality. The Panel considered that the advertisement did not use sexual appeal in a degrading manner.



The Panel determined that the advertisement did not employ sexual appeal that was exploitative or degrading of any person or group of people and therefore did not breach Section 2.2 of the Code.

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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”

The Panel considered whether the advertisement depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the advertisement did not depict sexual intercourse, sexual stimulation or suggestive behaviour and that the advertisement as a whole did not contain sex.

The Panel considered whether the advertisement contained sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that most members of the community would consider an advertisement for a gentlemen’s club to be a reference to sexuality.

The Panel determined that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.



The Panel considered that the advertisement was broadcast on radio and although the implication in referencing a woman removing her blouse may suggest a level of nudity at the venue, the advertisement itself did not contain nudity.

The Panel considered that although it is reasonable for an advertiser to describe the product or service being promoted, the depiction of sexuality should be treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that the advertisement was broadcast on radio at 7pm, and considered that the audience would be predominately adult at that time. The Panel noted that advertiser's response that they had modified the timeslot for future advertisements.

The Panel considered that the voiceover of the advertisement was factual and was not overtly sexual.

The Panel acknowledged that there is a level of community concern surrounding the advertising of adult themed products and noted that adult shops are legally allowed to be advertised. As per the determination in Case 0057/16:

"The Board acknowledged that some members of the community would prefer that this type of venue not advertise their services on the radio but considered that in this instance the content of the advertisement is mild and does not contain strong sexual or explicit language or references. The Board noted that the advertisement had been heard at 7pm on a Sunday evening and considered that this is not generally considered to be a time when children would normally listen to the radio. Regardless of the time in which the advertisement was aired however, the Board considered overall that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children".

The Panel considered that the content of the current advertisement does not include strong or inappropriate sexual language or sexual references. Consistent with previous determinations against similar radio advertisements for adult products (0180/16, 0057/16, 0487/15, 0390/15) the Panel considered that the advertisement



did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

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

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