



Case Report

1	Case Number	0028/12
2	Advertiser	Pleasuredome
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	22/02/2012
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Close up image of a woman's face. She has her eyes closed and is pouting.

The text reads "Visit our house of pleasure. Naughty Girls. Kinky Girls. Wild Girls. 9696 2222 pleasuredome.com.au"

On one version of the advertisement there is also the text " Take a sex break".

THE COMPLAINT

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

We reside in St Kilda Road and for past few months there has been a privately registered motor vehicle SSL-191 prominently advertising a local brothel parked in the vicinity of our apartments. The vehicle sometimes with trailer T18-032 attached is parked for a week or two at a time and for 24 hours a day. On this occasion it has been parked here since mid-December and is still there as I write.

St Kilda Road is an internationally well-known Boulevard and a main thoroughfare with an abundance of foot traffic including children and women office workers. Surely our daughters and wives do not need to be confronted with this type of advertising every time we walk our streets.

I have noticed similar advertisements on private motor vehicles becoming more prevalent including one for KY Jelly as I travel in and around the Melbourne Central Business District. These signs are degrading and polluting our streets and make us a laughing stock with international visitors.

Could you please tell me if these private vehicles are committing any offence for which they can be prosecuted?

I would like to know if the Standards Bureau is aware of this and what action if any they are doing to rid our streets of this disgraceful advertising?

I am also writing to both State and Federal Ministers and the Standing Committee on Social Policy and Legal Affairs to seek help in this matter.

THE ADVERTISER'S RESPONSE

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

We believe we have been most sympathetic, and the advertisement could just as easily be a makeup advertisement.

No naked shots, Tits, Arse or otherwise.

No Scantilly clad women.

No lewd comments. Nothing Sleazy.

People need to realise we are a legal business.

We do have the right to advertise.

I believe the signage is tasteful and falls within basic guidelines of morals and taste.

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 depicts inappropriate material for a broad audience.

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

The Board noted that it is legal for gentlemen's clubs to advertise their product and that the Board's jurisdiction only covers the content of the advertisement.

The Board 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 the advertisement features a close up of a woman's face and that she has her eyes closed and her lips parted. The Board noted that there are two versions of the advertisement and that both include the text, "Naughty girls. Kinky girls. Wild girls" whilst one version also includes the text "Take a sex break."

The Board noted that the billboard advertisements are loaded on the back of a ute as well as on a trailer and that the complainant has seen them at various locations around Melbourne.

The Board first considered the image which did not include the text 'take a sex break'.

The Board noted that the woman's eyes are closed and her lips are parted and considered that this image, in combination with the venue advertised and the other wording on the advertisement, is a sexually suggestive image. The Board noted that the advertisement is on a moving sign and is therefore available to a broad audience within the localities it is driven. The Board also noted that the image appears near a school and in a residential area.

The Board determined that this image, although sexualised, does not make specific references to sex and, in the Board's view treats the issue of sex in a manner that was sensitive to the broad audience. The Board determined that the version of the advertisement without the message "Take a sex break" did treat sex, sexuality and nudity with sensitivity to the likely broad audience and did not breach section 2.4 of the Code.

The Board then considered the second image which was the same as the first but with additional text in large writing saying 'Take a sex break'. The Board considered that the phrase "Take a sex break" is a blatant reference to having sex at the facility and is unambiguous.

The Board noted it had previously upheld a complaint against a billboard which featured the text "Want longer lasting sex?" (278/08) as it found that "...the words want longer lasting sex... were in fact a blatant message about a sexual act". The Board considered that in this instance the advertisement also makes the sexual act obvious and is an explicit reference.

The Board determined that the version of the advertisement which includes "Take a sex break" was not appropriate for display in the broad community and that it did not treat sex with sensitivity to the relevant audience.

The Board determined that the advertisement which includes "Take a sex break" breached Section 2.4 of the Code.

Finding that the advertisement breached Section 2.4 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

The advertiser has not responded.

15 May 2012: The Minister for Consumer Affairs advised the ASB that the vehicle and the advertisement have been removed.

