



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0031-21
2. Advertiser :	Club Vixen
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Poster
5. Date of Determination	24-Feb-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This advertisement features an image of a woman in lingerie leaning against a wardrobe.

THE COMPLAINT

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

My daughter is 10 years old. I don't know how to explain it. We walked past it. There is a club in spring hill called love and rockets. Its advertising outside is just a rocket logo - looks fine. I am sure the drunk men who patronise club vixen can figure out that naked women will be in the club without having a near full size woman on the front door where kids walk past in the day time.

Also provided is an image of the streetfront of Love and Rockets strip club in Spring Hill. They have chosen not to put a barely dressed woman out the front. This is family appropriate. Club Vixen in the Queen St Mall is awful. How can the mall allow that advertisement where kids walk by?

THE ADVERTISER'S RESPONSE

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



I appreciate you getting in contact with us concerning this complaint. I can respond briefly and effectively to the concerns.

With respect to the AANA Code, Section 2.4 states that Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

In all instances of externally visible signage at Club Vixen, management meetings are held to ensure that each piece of material complies with all applicable authorities and standards. Other well known businesses in the CBD are used as the yardstick with which we measure each decision, including but not limited to the lingerie depictions in businesses such as: Honey Birdette, Bras n Things, Myer, Target, Big W. With these in mind, the specific image was selected because of it's side angle of shot removing any possibility of the portrayal of intimate areas, as well as the clearly visible swimwear (chosen for it's high contrast) in the shot, so as to remove all doubt.

This particular image has been installed in this position for over 3 years. As this is the first complaint made via any means, I am certain that a reasonable person would consider that as meeting the standards of having been handled with audience sensitivity.

As a final note, the complainant should be aware that the use of Love and Rockets as an example of audience sensitivity is in this instance, extremely detrimental to the complaint. The venue in the example is well known in our industry for having purposefully installed their driveway paving in the outline of open womens genitalia. This is clearly depicted in the complainants street image.

I look forward to hearing any feedback you may have, however I am confident that Club Vixen has no case to answer in the instance of this complaint.

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 features a near naked woman and is placed in view of children.

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

Section 2.4: Advertising or Marketing Communications 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 considered that the woman is not engaging in sexual intercourse. The Panel considered that the advertisement did 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 woman was wearing lingerie and noted that the advertised business was a gentleman’s club. The Panel 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 woman in the advertisement is depicted in lingerie, and considered that this is a depiction of partial nudity.

Are the issues of 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 just inside the front doors of the business located in a mall and considered that the relevant audience includes retail workers and people walking past, and that this group would include children.

The Panel noted the complainant’s comment that another gentleman’s club does not have such imagery at the front of their store. The Panel noted that it can only consider the content of an advertisement as it appears, not in comparison to another business’s advertising.

The Panel considered that the image was stylised and representative of the services offered by the business. The Panel considered that although a large portion of the woman’s buttocks is visible, the woman was not posed in an overtly sexual way and this image related to the services offered by the venue.

The Panel considered that the image does not contain images or colours that would be of particular attraction or attention grabbing to children. However the Panel considered that if a child were to view the advertisement, they would see a woman in underwear but would be unlikely to understand the sexualised nature of the business from the image.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad 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.