



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0047/13</b>
<b>2</b>	<b>Advertiser</b>	<b>The Penthouse</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/02/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

Image of a woman's torso on a moving billboard. She is wearing black lingerie and holding a black feather across her stomach. The text reads, "The Penthouse. The Ultimate Gentlemen's Club. Open 24 hrs / 7 days. 9264 6610".

### THE COMPLAINT

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

*It is a brothel advertisement being presented to the general public. Many families walk down that part of the street during the day. By midday there are usually at least 2 parking tickets on the windscreen from Sydney City Council parking inspectors. When we are trying to respect women and bring up our children, this sort of advertisement should not be anywhere in the public, especially family, areas. It sends the wrong message to the women (most of whom are appalled by the billboard - I have asked them) when they want to be treated well and respected. It sends the wrong message to men who get this reinforced image and reaction in the public. This advertising goes against what the Wesley Centre, my gym (Livingwell) and the Hilton stand for. Note: I do not work for either the Hilton hotel nor the Wesley Centre.*

### THE ADVERTISER'S RESPONSE

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

*The advertiser did not provide a response.*

## **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 a woman wearing limited clothing in a sexual pose and this is not suitable for outdoor display.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that the advertisement is for a gentlemen’s club and features an image of woman wearing black lingerie.

The Board noted that some members of the community may find gentlemen’s clubs offensive, and in turn any related advertising also offensive in nature. The Board noted that such clubs are allowed to be advertised. The Board considered that the image used in the advertisement is clearly related to the product being advertised and that it is custom to use images of scantily clad women when promoting a gentlemen’s club.

The Board noted that only the woman’s torso is shown in the advertisement, not her head, and considered that whilst the depiction of a woman without a head can be seen as exploitative in this instance the image is not degrading. The Board noted that the exclusion of the woman’s head in this particular image could be due to discretion of either the model or the nature of the business and considered that the advertisement is not exploitative and degrading as the relevance to the nature of the business being advertised is apparent.

The Board considered that the pose of the woman is not strongly sexualised and that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to women and that the advertisement did not breach Section 2.2 of the Code.

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 the complainant’s concerns that the advertisement features nudity and sexualised imagery which is not appropriate for a broad audience. The Board noted that the woman in the advertisement is wearing black underwear and considered that the level of nudity is consistent with advertising for gentlemen’s clubs. The Board noted that the woman is holding a black feather across her stomach and considered that whilst the overall image is mildly sexualised it is not inappropriate for a broad audience which could include children.

The Board noted the advertisement did not feature excess nudity or sexualised imagery and

considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

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

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.