



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0053-21
2. Advertiser :	ACMN
3. Product :	Entertainment
4. Type of Advertisement/Media :	Outdoor
5. Date of Determination	10-Mar-2021
6. DETERMINATION :	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 outdoor advertisement for Magic Mike Australian Tour features five images:

Image 1 - Depicts a man in a suit appearing to be mid air. Text advertises event name and details, and also states "Stop looking-Start booking".

Image 2 - Depicts a shirtless man in jeans. Text advertises event name and details, and also states "Don't go for the costumes.

Image 3 - Depicts a shirtless man in jeans and a hat. Text advertises event name and details, and also states "Stop looking-Start booking".

Image 4 - Depicts two shirtless men in jeans both standing on one hand. Text advertises event name and details, and also states "Harder than it looks".

Image 5 - Depicts a man in a suit and a hat. Text states "Free your magic".

THE COMPLAINT

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

In the current climate of #metoo it is inappropriate to objectify either gender like this. I wouldn't expect to see a black and white image of a half-naked woman on billboards around the city any more. In addition, we drive past one of these ads everyday with my



two year old son. In a time when we are trying to raise more respectful men and reduce domestic violence and sexual abuse in Australia, how can I explain to him that it's ok for women to go to objectify men, but that it's not ok for men to view women like that? It's an unacceptable double standard.

THE ADVERTISER'S RESPONSE

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

Many thanks for your letter dated 1st March 2021. In response to the complaint dated 15 February 2021 Magic Mike Australia is a professional theatrical dance show. Based on the film Magic Mike by director Steven Soderbergh and starring Channing Tatum based on his life experiences and written by Reid Carolin; the film was a hit with critics and audiences alike resulting in a second movie Magic Mike XXL.

Following the success of the films Channing Tatum conceived and created Magic Mike Live as an immersive, thrilling live dance and acrobatic show. Collaborating again with writer/director Reid Carolin; Associate Director Alison Faulk; Choreographer Teresa Espinosa; Aerialist Drea Weber the show has been a critical success in the USA, Germany and the United Kingdom. All performers employed within the show are fully trained professional actors/dancers/performers who auditioned and rehearsed extensively for the show and are employed under our commercial agreements 'award' the Performers Collective Agreement signed by Live Performance Australia & Media, Entertainment and Arts Alliance.

Specifically, in regards to the complaint, whilst we understand there are a variety of opinions, we do not believe we are in violation to the code of ethics specifically:

2.1: The show demonstrates the complete opposite to any form or sexual discrimination. The show has a mixed-gender cast, creative and technical team.

2.2: Exploitative or Degrading/Exploitative – men. As mentioned above the show is professional conceived, written and directed using a mixed-gender creative team, backed by a mixed gender marketing support team; notably with a ratio of 6:1 in favour of the female gender. All employees are trained professionals who chose to appear within the show. The show is based on real-life experiences of creator Channing Tatum. At the same time we have four full-time female performers two of whom 'host' the show and co-wrote the script. The message of the show is to respect women but not at the disrespect of men, as the cast are trained dancers and athletes and are not objectified in any way.

2.3: Violence is not portrayed, promoted or displayed within the show nor any associated advertising activity. The show is humorous and the vast majority of our patrons enjoy their night out.



2.4: Sex/sexuality/nudity – general. There is no full nudity within the show. All performers are extensively rehearsed and performer professionally and do not appear nude at any time.

Other points to note:

All performers are of legal age and no minor are used. The show is advertised as an adult show and we do not allow persons under the age of 18 within the venue.

We treat the treatment of men and women with the utmost respect and as the majority of the show has been created and written by female’s we believe we are promoters of the ‘me-too’ movement. There have been numerous media reviews regarding the show the vast majority of which have given the production four or five stars – please see below example:

<https://www.theguardian.com/stage/2021/jan/09/magic-mike-live-review-channing-tatums-sex-positive-strip-show-dials-up-the-heat-in-sydney>

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 concerns that the advertisement is sexualised and objectifying of men.

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

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 considered that the depiction of attractive men in connection to an exotic dancing stage production is one which most people would consider to contain sexual



appeal. The Panel considered that the five images would be considered to use sexual appeal.

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

The Panel noted that this is a stage production and although people may dislike the fact that characters in the production are paid for adult entertainment services, this does not necessarily mean that the advertisement is exploitative.

The Panel noted that Images one and five feature an image of a fully clothed man in a suit. The Panel noted that Images two, three and four featured shirtless men who are clearly wearing jeans or slacks.

The Panel considered that there was a focus on the men's bodies in the advertisement, however noted that the advertised product is an exotic dancing stage production which features men in various stages of undress as part of its production. The Panel considered that the images used in the advertisement are clearly related to the product being advertised.

The Panel considered there was no irrelevant focus on the men's bodies or body parts and considered that there is no suggestion that the men themselves are an object or commodity but rather that they are performers in the production.

The Panel noted the advertisement included the captions "Free your magic", "Harder than it looks", "Stop looking start booking" and "Don't go for the costumes" in the various images. The Panel considered that while these captions clearly referred to the sexual character of the show they were encouraging viewers to purchase tickets to the stage production and were not exploitative of the men in the advertisement, or men in general.

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

The Panel considered that the depiction of the men was relevant to the promotion of an exotic dancing stage production and this did not lower the men in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the men.

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 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 none of the men in the advertisement are engaging in sexual activity. 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 noted that Images one and five feature an image of a fully clothed man in a suit. The Panel noted that Images two, three and four featured shirtless men who are clearly wearing jeans or slacks.



The Panel considered that the depiction of attractive men in connection to an exotic dancing stage production is one which most people would consider to 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 men in Images two, three and four are shown to be shirtless and considered that this is a depiction of partial nudity.

Is the issue of sexuality 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 advertisement appears in various outdoor locations and considered that the relevant audience would be broad and would include children.

The Panel considered that while the advertisement was for an exotic dancing stage production the images in the advertisement itself were not highly and overtly sexualised. The Panel considered that the men are not dressed inappropriately and that the image and text is not sexualised in a manner that is explicit.

The Panel considered that the images would not attract the attention of young children, and that young children who viewed the advertisement would see a men clothed or shirtless and would not understand the sexual nature of the promotion.

Section 2.4 Conclusion

The Panel determined that 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 Section 2.4 of the Code, the Panel dismissed the complaint.