



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0078-22
2. Advertiser :	The Firm Gentlemens Club
3. Product :	Sex Industry
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	27-Apr-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts several woman in bras, garter belts and g-strings dancing around poles and with each other in a nightclub.

THE COMPLAINT

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

If I wanted to sit and watch women like this with my husband we would watch porn! It causes many arguments and also is very awkward when our teen sons are watching tv with us! Everyone we know are shocked at how graphic these ads are and some of these people attend strip clubs themself yet don't want to see this much on public tv!

I do not want sleaze advertised on my TV, in MY LOUNGE ROOM! I know it exists, but it is VERY OFFENSIVE. My home is my sanctuary, and that type of "entertainment" is not welcome in my life AT ALL!

THE ADVERTISER'S RESPONSE



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

The advertisement was booked to air no earlier than 10.30pm and no later than 1.30am (if possible) on any given day.

Actual times to air are attached, debriefed from Channel 9 from the TV stations on air logs.

Is it possible that the viewer re complaint dated 26/3/2022 was watching a recorded program that was on air later at night, but watched around 9.30pm.

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 complainants' concerns that the sexualised content was inappropriate.

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 noted that this advertisement features women in lingerie pole dancing, dancing with each other and lying down. The Panel considered that the advertisement did contain sexual appeal.

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

The Panel acknowledged that some members of the community would find the type of premises and the use of females as entertainment to be exploitative. The Panel noted however, that this type of business is legally allowed to operate in the area and



that it could consider only the advertising or promotion of the business that is visible to the broader community not the behaviour or service it is promoting

The Panel considered that there was a focus on the woman's body in the advertisement, however noted that the advertised product is a gentleman's club which features scantily clad and naked women as part of its service. The Panel considered that the images used in the advertisement are clearly related to the product being advertised.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of women.

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

The Panel considered that the depiction of the women was relevant to the promotion of a gentleman's club and that this did not lower women in character or quality.

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

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 noted that there were two scenes in the advertisement which depicted women interacting with each other. In one scene women in black lingerie are pressed up against each other with their breasts touching and in the other scene two women in coloured lingerie dance together with one woman running her hands down the other woman’s arms. The Panel considered that although the women are not engaging in sexual intercourse, this is sexually stimulating behaviour and the advertisement could be considered to 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 the advertisement featured women in lingerie pole dancing, interacting with each other and lying down and that these were highly sexualised images.

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 women in the advertisement are 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 the advertisement received an 'A' classification from FreeTV and therefore may be broadcast between 8.30pm and 5.00am on any day. In addition to the time restrictions, an advertisement classified "A" must not be shown before 9.30 pm during sports programs and films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a film which is neither promoted to children nor likely to attract a substantial child audience).

The Panel noted that the advertiser had taken steps to ensure the advertisement was not broadcast prior to 10.30pm, and noted the placement schedule provided by the advertiser which confirmed that.

The Panel considered that the relevant audience for the advertisement was anyone watching free-to-air TV after 10:30pm, and that while this may include older children and teenagers the audience would be predominantly adult.

The Panel acknowledged that the sexualised nature of the product itself may not be considered appropriate by people viewing the advertisement and noted that some members of the community would prefer that these types of businesses are not advertised, however considered that advertising them is legal and a promotion of such services is not itself a breach of the Code.

The Panel considered that the advertisement was moderately sexualised, but that the advertisement did treat the issue of sexuality with sensitivity to the relevant, predominately adult audience.

Section 2.4 Conclusion

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