



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0081/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Wilkie's Showbar 140</b>
<b>3</b>	<b>Product</b>	<b>Bars/Clubs</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/02/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

Several panels of images of girls in lingerie and the words "hot girls, cold beer."

## THE COMPLAINT

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

*I feel, as do many members of our community, that this signage is unnecessarily overtly sexual and is demeaning to women. The images and wording in this signage objectifies women and sets a bad example to our children. This signage is placed right on a pedestrian crossing and next door to the city library so it is virtually impossible for our diverse community to avoid.*

## THE ADVERTISER'S RESPONSE

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

*I take this opportunity to respond to the complaint from a member of the community in regards to the advertising located on the outside of the Wilkie's premises.*

*I have been the owner and operator of Wilkie's and Showbar 140 since November 2007 and*

*the advertising in question has been in place since the premises opened. I am sure you can appreciate how stringent the requirements are to open and maintain a premises with an Adult Entertainment Permit. We are perhaps one, if not the most heavily regulated industries in Australia, with constant intervention from local law enforcement and State Government Liquor Licensing officials. In order to maintain our licenses and permits our ethical standards are looked at very closely, this includes the advertising we are able to undertake. To date I am unaware of any previous complaints made by members of the Mackay public since the venue opened in November 2007.*

*The library relocated from its previous position some months ago to its new position in close proximity to the Wilkies venue. Whilst it is unfortunate that the pedestrian crossing is located at the front of the venue there are alternative methods of entry to the library, including a rear car park that is heavily utilised.*

*Since our opening in 2007 we have provided employment for thousands of people and therefore generating a substantial amount for the local economy. Whilst Adult Entertainment may not be appreciated by all members of the community we pride ourselves in undertaking the business in a safe, ethical and professional manner. We have a good working relationship with the local police and liquor licensing officials and have been advised on numerous occasions by the aforementioned we have potentially the best model of this particular business in Queensland.*

*We do understand that a few members of the community may not appreciate our advertising however we question why it is now being raised as an issue some 10 years after the signage was erected.*

## **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 signage is overtly sexual and is demeaning to women.

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 the complainants’ concerns that the wording in the advertisement “cold beer, hot girls” objectifies women. The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

“Exploitative means clearly appearing to purposefully debase or abuse a person, or group of

person, for the enjoyment of others, and lacking moral, artistic or other values;

Degrading means lowering in character or quality a person or group of persons.”

The Board acknowledged that some members of the community would find the type of premises and the use of females to serve in a bar while topless to be exploitative. The Board noted however, that the 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 Board noted that the two women are wearing lingerie which is brief and does reveal skin. The Board noted that the images are used in conjunction with the text “hot women, cold beer.” The Board noted that the term “hot” is referring to the appearance of the women and that this is a reference to their physical appearance. In the Board’s view an image of women in lingerie is relevant to the advertised service. The Board noted that the women in the advertisement are suitably covered and considered that the manner in which they are depicted is not exploitative in the context of the advertised service, and is not degrading either to these women or to women in general.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 woman in the advertisement are wearing lingerie and considered that their private areas are covered and the level of nudity is not inappropriate in the context of an ad for a gentlemen’s club.

The Board considered that there is no express prohibition on including images of women in brief clothing in advertising and also that the advertising of gentlemen’s clubs is permitted provided that the advertisement complies with the requirements of the Code.

The Board considered that this particular advertisement was not overtly sexualised, that there is no direct reference to sex or nudity and was appropriate for the product. The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience which would likely include children and 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 complaint.

