



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0119-20
2. Advertiser :	Crazy Horse Revue
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard - Digital
5. Date of Determination	8-Apr-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This digital billboard advertisement features a number of images on rotation promoting upcoming events and venues, including:

1. A woman in a large feathered costume promoting 'Nineteen Ten'
2. Two women in red and gold tops standing chest to chest with the words 'Luste, not just a show, it's an experience'
3. A woman sitting on a stage in a bikini, with one leg hanging off the stage and one bent up to the side, another woman can be seen next to her, bent over. The wording on the image says, "Crazy Horse, Australia's most iconic gentlemen's club"
4. A woman in black lingerie seen from behind, wearing tights and suspenders with a black corset, advertising 'Nineteen Ten'
5. A woman in a red and gold costume swallowing fire advertising 'Nineteen ten'
6. A woman in a pink jacket with her tongue out with a fire stick held to her face. Text says, "Australia's hottest girls"
7. Image of a dvd with a woman's silhouette on the cover and the text, "Miss Nude Australia 2020 Coming soon to DVD"

THE COMPLAINT

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



The images used in the advertising on this LED screen is considered to be quite risqué and salacious. It is also considered inappropriate in that the images are generally of the shows and women seen performing on the inside of this premise. If you are required to be over 18 to enter this premise and view these shows, then I consider it inappropriate for people (of any age) walking down the street view the type of activities that occur in the restricted area.

THE ADVERTISER'S RESPONSE

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

All of our ads are created to suit the nature of our business, it was never made to insult or to discriminate against any member of the public. This images were either purchased from an online platform such as shutterstock or were photographed in our venue with full consent of the model.

We believe all of our advertising materials are professionally designed and distributed as you can clearly see, there are no discrimination against anyone and we find the images very tame and respectful.

The image was never designed to concentrate on any particular part of the modal body, it is up to individuals whether he/she wishes to concentrate only on a particular part of the model's image.

We believe it is not an objectification to anybody if the person chooses to be photographed erotically, as you can see on the image there are no suggestions of discrimination, harassment or violence against anyone.

The Crazy Horse is located on the prominent 143 Hindley Street Adelaide and has been trading from this address for 39 years. There are no schools or day cares nearby, even though we always make sure our advertising materials is very carefully and professionally designed and distributed, e.g. None of our signs are not lit during the day, there are no flashing lights at the front of the club during business hours, none of our signs rotate or flash to attract attention of children or minors, none of our advertising materials are designed or aimed to attract children or minors attention.

Please note that it is not and has never been in our interest to attract children or any person under the age of 18 into our club as we are a fully licensed adult entertainment club.

We appreciate your efforts in resolving 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 depicts scenes from inside the venue and customers must be over 18 to enter, therefore such imagery outside the venue is inappropriate.

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

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted that this billboard advertisement is a compilation of seven still images which rotate.

The images are:

1. A woman in a large feathered costume promoting 'Nineteen Ten'
2. Two women in red and gold tops standing chest to chest with the words 'Luste, not just a show, it's an experience'
3. A woman sitting on a stage in a bikini, with one leg hanging off the stage and one bent up to the side, another woman can be seen next to her, bent over. The wording on the image says, "Crazy Horse, Australia's most iconic gentlemen's club"
4. A woman in black lingerie seen from behind, wearing tights and suspenders with a black corset, advertising 'Nineteen Ten'
5. A woman in a red and gold costume swallowing fire advertising 'Nineteen ten'
6. A woman in a pink jacket with her tongue out with a fire stick held to her face. Text says, "Australia's hottest girls"
7. Image of a DVD with a woman's silhouette on the cover and the text, "Miss Nude Australia 2020 Coming soon to DVD"

The Panel 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 Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is



‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the depiction of women in revealing lingerie is not a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that none of the images depicted sex.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that some members of the community may consider an image related to a gentleman’s club to be sexualised of itself. The Panel considered that all images in the advertisement contained sexuality.

The Panel considered whether the advertisement depicted nudity.

The Panel noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered Image Three which features a woman in yellow underpants sitting on a stage, and another women in high cut underpants shown from behind. The Panel considered that this image depicted partial nudity.

The Panel considered Image Four which features a woman shown from behind wearing g-string style underpants. The Panel considered that this image depicted partial nudity.

The Panel considered Image Six which features a woman with fire and noted that although the majority of breasts are out of frame and her nipples are not visible, she is depicted topless. The Panel considered that this image depicted partial nudity.

The Panel considered that images one, two, five and seven did not depict nudity as all the women are clothed, or not visible.

The Panel considered that the depiction of the women was relevant to the business’s services being promoted. The Panel considered that although it is reasonable for an



advertiser to depict the services being promoted, the depiction should be treated with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'

(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this advertisement appears on an electronic sign visible from the street. The Panel considered the relevant audience includes workers, people walking to the businesses and people who are not going to the business but who are walking past, and that this last group would include children. The Panel noted the advertiser's response that the images are not lit up during the day and do not rotate. However the Panel noted that the complainant referenced having seen the material during the day. The Panel therefore considered the concept of the audience and sensitivity in the context of the images being visible during the day.

The Panel considered Image One. The Panel noted that the image is a woman in a feather costume which cover her from the chest down. The Panel noted that the image is promoting the burlesque and jazz club at the venue. The Panel considered that the image does not depict nudity and is not sexualised, and is not inappropriate for a broad audience.

The Panel considered Image Two. The Panel noted that the two women were depicted fully clothed in either a red or gold sequin top. The Panel considered that the image does not depict nudity and is not sexualised, and is not inappropriate for a broad audience.

The Panel considered Image Three. The Panel considered that the woman sitting on the stage in yellow underpants with her legs slightly apart was a sexualised pose. The Panel considered that the woman's lingerie covered her genitals and her nipples and the level of nudity was mild. The Panel considered that the other woman in the advertisement shown from behind in high cut underpants with her bottom largely visible was not depicted in an overly sexual pose. The Panel considered that there was no sexually suggestive wording in the advertisement. The Panel considered that the image is not directed to children and that there is nothing inherently attractive to children in the image. The Panel considered that that young children who viewed the advertisement would see a group of women in underwear. The Panel determined that



Image Three did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Panel considered Image Four. The Panel considered that the image was highly 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 burlesque show 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 if children were viewing the advertisement children would see a woman in her underwear standing in front of other people. The Panel considered that a child would be accompanied by an adult in this particular location. The Panel determined that Image Four did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Panel considered Image Five. The Panel considered that the image is promoting the burlesque show offered by the venue and the depiction of a woman swallowing fire was consistent with a burlesque show theme. The Panel considered that the woman is fully clothed, and considered that the image was not overly sexualised and was not inappropriate for a broad audience.

The Panel considered Image Six. The Panel noted that this image also depicts a woman swallowing fire, but considered that this image is more sexualised as the woman depicted has extended her tongue, and although the majority of breasts are out of frame and her nipples are not visible, she is depicted topless. However the Panel considered that the image is promoting an act that occurs within the venue, and the image has been edited to make it suitable for general viewing. The Panel considered that the image is mildly sexualised but does treat the of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Panel considered Image Seven. The Panel noted that this image is promoting the DVD Miss Nude Australia 2020, and that the cover of the DVD is visible. The Panel noted that the cover features a woman, but that it is a silhouette and it is unclear whether she is clothed or not. The Panel considered that this image was not overly sexualised and was not inappropriate for a broad audience

Overall, the Panel determined that overall the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.