



Case Report

1	Case Number	0134/11
2	Advertiser	Dreams Gentlemen's Club
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	25/05/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

Billboard on the back of a truck featuring a yellow background and in black the text, "Dreams Gentlemen's Club. 1 Elizabeth Street, Melbourne. Australia's sexiest tabletop dancing venue. www.dreamsclub.com.au." To the right there is a photograph of a female which shows her from her neck to her knees. She is wearing black underwear and her thumbs are hooked in to the side of her underpants, pulling them down.

THE COMPLAINT

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

It was a large mobile outdoor advertisement billboard (around 1.8metres x 1.5 metres) attached to a motor vehicle. I saw this advertisement on a Sunday afternoon while I was on a tram which was full of parents with children going to a large public event. The reason I object to this advertisement is because it is sexually explicit and it should not be advertised during this time of the day. The advertisement is sexually suggestive amounting to pornography with the woman wearing only underwear pulling her g-string down. When men's magazines with images of the same nature are sold in supermarkets milk bars (etc) - they are covered with a protective page so that young children and adolescents are not exposed to these images. On television programs and commercials with images of the same nature are scheduled during certain hours (late evening) so that there is less chance of children being exposed to these images. Why do we not have the same standards for outdoor

advertisement??? Why do I (as a young female) why do young children and parents have to be confronted with the following sexually-explicit images during 4:00pm on a Sunday afternoon? The parents on the tram had no way of stopping their children from being exposed to these images!

I, as a young 20+ female, felt disgusted that such explicit and suggestive image would be placed in front of my eyes and eyes of my father sitting next to me at 4:00pm on a SUNDAY. Now I am not against those images as I understand the society we live in. However I strongly believe that these images should be regulated as to WHERE AND WHEN they appear. There should be consistency between advertising standards across all mediums not just television or magazines! These images should have only appeared after 7pm and not before that.

THE ADVERTISER'S RESPONSE

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

We target areas around Crown and in that particular time, when the Grand Prix was on, around Albert Park Lake, to target a particular Genre! In no way are we out there to offend women and children of any kind, we are simply promoting our business with specific Advertising boards to raise awareness that our business is on the map in the CBD. We believe our advertisement is non offensive and will allow the Advertising Standards department to make the decision they see necessary and notify us in due course! We understand that our business is of Sexual Explicit entertainment however we do not promote this business in anyway shape or form to offend.

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 complainants' concern that the advertisement was sexualised and inappropriate for the likely audience which includes children.

The Board noted that the product advertised is a gentlemen's club and that such establishments are allowed to be advertised provided that they treat sex, sexuality and nudity with sensitivity to the relevant audience in accordance with Section 2.3 of the Code. The Board noted that the advertisement is a billboard that is accessible to a broad audience.

The Board noted that it has previously considered a number of advertisements from this advertiser. The Board noted an earlier decision (65/09) in which it had upheld complaints about a billboard on the basis that:

‘The Board considered the image which depicts a woman wearing a bikini. The Board noted that the woman is pulling the sides of her bikini bottom in a manner that could be suggestive of her being about to remove the pants. The Board considered that the image of the woman, and in particular her pose, was moderately sexualised.

The Board considered that many people in the community find such images less acceptable than previously in particular where such advertisements take the form of outdoor advertising where they are able to be seen by anyone in the community including young people.

By a narrow majority, the Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience. The Board determined that the advertisement breached Section 2.3 of the Code and upheld the complaints.’

The Board also noted that in early 2010 it had dismissed complaints about an advertisement, featuring the same image as was currently before the Board, which was painted onto a small car (0198/10). In that case the Board decided that:

‘...The Board considered that some of the concern about the advertisement is the medium on which it appears (a vehicle) and that there is some concern about the nature of the product being advertised.

The Board considered the advertisement is advertising a gentlemen's club and that the image of the woman is relevant to the advertised product. The Board noted that the woman in the advertisement is scantily dressed but the depiction is not inappropriately sexualised with the placement of the wheel minimising the impact of the image and there is no nudity. The Board also noted that the product has an adult theme and the advertisement was consistent with the product, which the advertiser has a right to advertise. The Board determined that the advertisement treated sex, sexuality and nudity with sensitivity to the relevant audience, and that the advertisement did not breach section 2.3 of the Code. ‘

Noting the previous decisions the Board considered the present advertisement. The Board noted that this image is, in effect, a significant size comprising a billboard on a large truck. The Board also noted that, unlike the image in 0198/10, the image of the woman was large and was not obscured by any images.

The Board considered that community standards can and do change over time and that many people in the community find such images less acceptable than previously. In particular where such advertisements take the form of outdoor advertising where they are able to be seen by anyone in the community including young people.

The Board considered that the pose of the woman, in particular the suggestion that she is taking down her pants, is strongly sexualised. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience. The Board determined that the advertisement breached Section 2.3 of the Code and upheld the complaints.

The Board also considered whether the advertisement complied with section 2.1 of the Code.

Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... sex...”

The Board noted that the advertisement depicts a woman’s body and that the image of the woman is the woman with no head and the focus of the advertisement is the woman appearing to pull up or down her pants.

The Board considered that the image objectifies women and does amount to discrimination against women. The Board determined that the advertisement’s depiction of a woman without a head, posed and dressed in the manner in this advertisement did discriminate against or vilify a section of the community on account of their sex. The Board determined that the advertisement breached Section 2.1 of the Code.

Finding that the advertisement breached Sections 2.1 and 2.3 of the Code the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

26 May 2011: Thank you for your response. Dreams Gentlemen’s club will not be using these particular skins for mobile running boards in the future! They will be disposed of within seven days.