



Case Report

1	Case Number	0139/11
2	Advertiser	Kittens
3	Product	Sex Industry
4	Type of Advertisement / media	TV
5	Date of Determination	11/05/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

Various young women are shown wearing underwear and either posing or pole dancing whilst a female voice over talks about Kittens Club which is open 7 nights a week and features the 'hottest girls'.

THE COMPLAINT

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

I don't understand how they have allowed ads for strip clubs. I know that it is a brothel as well because I have heard guys talk about going there for sex. It's shoved in our face everywhere. There is no need to advertise strip clubs it makes women feel very uncomfortable and also it is sexually objectifying women for men's gratification. It's about time society changed and stopped treating women this way.

THE ADVERTISER'S RESPONSE

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

The advertisement is not an advertisement for a brothel. It is for an adult entertainment venue. The advertisement appears sporadically in the early hours of the morning. It does not depict nudity. It advertises a lawful business which operates fully within the law. Extreme offence is taken at the defamatory statement made by the complainant that the complainant "knows that it is a brothel" "because I have heard guys talk about going there for sex". We demand to be provided with full details of the complainant so that we can consider taking defamatory proceedings against the complainant with respect to its complaint. The complaint is frivolous and vexatious and designed solely to cause problems which do not exist. It is malicious, defamatory and not supported by any evidence provided to you. Be that as it may, we reiterate that as far as we are aware the advertisement complies with all known advertising standards. Other advertisements for phone sex etc are far more provocative than this advertisement.

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 advertisement is for a strip club which sexually objectifies women.

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

The Board considered whether the advertisement was in breach of 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 the advertisement is for Kittens, a men's club, which features 'Melbourne's hottest live nude in your face entertainment..' and that the accompanying images show women in bikinis/underwear either posing or performing with a pole.

The Board noted the complainant's concern that strip clubs objectify women. The Board considered that the existence of strip clubs is not something which falls under Section 2 of the Code and therefore cannot be considered by the Board when making their determination.

The Board considered that there is a proportion of the community who would find the depiction of the women in this advertisement unacceptable. However in the Board's view, this depiction does not amount to discrimination against or vilification of women.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of sex. The Board determined that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board agreed that some members of the community may be offended by the depiction of the scantily clad women in a variety of poses in the advertisement and considered that the advertisement was sexualised.

The Board noted that it had previously considered advertisements featuring scantily clad women and that the use of such images has at times been a divisive issue for the community. The Board noted that this advertisement is for a men's club which features women dancing and that sexually suggestive images of the women are relevant to that product or service. The Board noted that the women are depicted pole dancing and that the dancing is sexually suggestive but considered that the depictions of the women were relatively mild for an advertisement for a strip club. The Board noted that the advertisement has been classified S by CAD which means it can only be shown between 11pm and 5am. The Board noted that some members of the community would prefer that this product not be advertised on television, and would feel the advertisement is inappropriate. However in the Board's view the advertisement was relatively mild in its depictions of the woman and was not likely to be offensive to most of the community viewing television during the period 11pm to 5am.

On this basis the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant late night timezone and that it did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.