



Ad Standards Community Panel
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Case Report

1. Case Number :	0177-22
2. Advertiser :	Gotham City House of Sin
3. Product :	Sex Industry
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	24-Aug-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features a woman wearing black lingerie posed reclining.

THE COMPLAINT

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

It's so inappropriate, it's a main freeway where children are present when driving, it's offensive to women and degrades us!

I was and often drive this road with my children and family in the car as it is the only way to head into the city off the eastern freeway. I had my child ask me why there was a naked woman on the poster in the sky and I had nothing to say to him.

This is immensely inappropriate and a gross misuse of public property to advertise such things. Adult entertainment venues should be prohibited from advertising permanently in such high traffic unavoidable positions with such inappropriate content. I should not have to be concerned about my children being exposed to such content on a nice afternoon drive as well as online and in such media. Very inappropriate.

The image shows a model of lying posture in lingerie exposing large amounts of model's breasts and groin area. With the words of Gotham City House of Sin as the



Heading. This billboard is overtly sexual and troubled me a lot and I even could not sleep at night especially when it was lighted up the whole night. I have a 14 years old son living together here everyday and every night , our window and balcony are just opposite to the billboard, I'm worrying his reaction to this billboard.

I don't think it's appropriate to advertise the sex industry in a widely visible location given the passing of families in cars.

I am absolutely disgusted that minors and children are having this advertisement forced upon them! It is situated on one of Melbournes busiest freeways, exposing thousands of people each day.

It is degrading for many women to see women portrayed as sex objects. This is increasingly unacceptable, as society is becoming more and more aware of the exploitation of women in the sex industry. Furthermore it is in a highly public location.

THE ADVERTISER'S RESPONSE

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

Thank you for your email however we are advertising within the law. There Is no nudity nor reference to any sexual references.

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 advertisement:

- Is objectifying and degrading of women
- Is overtly sexual
- Perpetrates abusive stereotypes
- Is inappropriate for children to view.

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 a woman in lingerie posed in a reclining position. 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 business with women providing sexual services for men 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 brothel which features scantily clad and naked women as part of its service. The Panel considered that the image used in the advertisement is clearly related to the product being advertised.

The Panel did not consider that the advertisement itself employed 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 woman 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:

“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.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained 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 woman is alone and is not engaging in sexual behaviour. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain 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 by itself a depiction of sexuality.

The Panel considered that the advertisement is promoting adult sexual services and that the product itself is sexualised. The Panel considered that the advertisement did emphasise sexual matters and does depict sexuality.

Does the advertisement contain 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 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 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’ 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 this advertisement is a digital billboard over a roadway and considered that the audience would be broad and would include children.

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 in the instance a child viewed the advertisement, they would be unlikely to understand the sexual nature of the promoted business itself, but rather see a woman in lingerie. The Panel considered that the pose of the woman in the advertisement is not particularly sexualised, with her hands placed near her head, and is not dissimilar to those seen in fashion advertisements.

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

Section 2.4 Conclusion

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