



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0185/19
2	Advertiser	The Firm Gentlemens Club
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Out of home
5	Date of Determination	26/06/2019
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This out of home TV advertisement features images of women in lingerie. Video, The screen shows a model wearing a black corset and black lingerie while dancing with our logo overlaid which is only the words "The Firm".

0:32 is a still photo of a model standing up wearing a white top with white lingerie advertising membership offer.

0:38 shows a fully clothed model walking away from the camera while wearing high heels with our business logo overlaid which is only the words "The Firm".

0:43 shows a model wearing orange lingerie dancing against a window with our logo overlaid which is only the words "The Firm".

0:46 shows a model wearing sunglasses, black lingerie and black boots dancing with our logo overlaid which is only the words "The Firm".



0:52 shows an artist in a black dress dancing with our logo overlaid which is only the words “The Firm”.

0:55 shows a compilation of all the models dancing with our logo overlaid which is only the words “The Firm”.

1:18 shows a still photo of Nana Mona, a world-famous performer and states “Miss Burlesque World 2018 and Miss Burlesque SA 2014” underneath it. This is promoting a specific artist.

1:25 shows a model in one-piece swimming suit dancing in sport shoes against a car with our logo overlaid which is only the words “The Firm”.

1:46 again shows a still image of our venue logo and opening hours.

1:52 the video again loops to the first model with the corset with the our logo overlaid which is only the words “The Firm”.

THE COMPLAINT

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

It is not acceptable that a main promenade, being North Terrace, the cultural centre for the city of Adelaide, displays images and videos of this nature to people of all ages. I note the venue is opposite one of Adelaide’s most respected institutions, being the Parliament of South Australia. The Adelaide Festival Plaza redevelopment is also nearby which is set to become a world-class destination and the heart of the Adelaide Riverbank’s entertainment precinct. The images and video are shown on a large screen at ground height and are very imposing to anyone walking by during the day or night due to the brightly lit, high resolution screen. The content on the screen is also easily seen at night from across the street by people exiting the Adelaide Casino, Football Park, Festival Centre and the main train station. It is also visible by users of the tram which travels along North Tce. This advertising is shown 24 hours a day, 7 days a week, even when the venue is not open. It cannot be said that this venue is discreetly located or that it’s a ‘night life’ precinct only really accessed by adults. This venue is on a main promenade, which houses a number of Adelaide’s most significant and historical buildings, which is accessed by people of all ages for many reasons including training, employment, tourism and cultural activities. I note that this venue is next to an office building whose tenants include dentists, doctors, travel agents and other various businesses.

While this screen may have been in its current location for around ten years, I think its



fair to say that the development of their advertising from static images to video showing provocative dancing and the increasingly pornographic nature of their advertisements in an increasingly accessed part of the city means this arrangement is no longer appropriate.

I live near to this venue (within 850 metres) and as an active member of the local community and a person with young children, I find these images confronting, offensive, and concerning. I find myself having to modify my route to avoid walking past this place with my children when going to the train station, Festival Centre, museum, art gallery or zoo. I have also refrained from meeting friends for dinner at Parlamento's restaurant as I know that I would not enjoy my meal sitting alfresco while seeing these distracting images in the background. Having been posted overseas, I have hosted several foreign diplomats and have taken them along North Tce to show them Adelaide's main tourist sites and have felt embarrassed taking them past this venue. These images are highly sexualised, resemble 'soft porn' and are inappropriate for a broad audience. They do not belong on public display for all to see.

I note that my feelings of the inappropriate nature of advertising by this venue are shared by others, as demonstrated in a recent newspaper article: <https://www.abc.net.au/news/2019-01-21/mp-complains-about-ad-near-south-australian-parliament/10732058>). This article describes a prominent member of the community, a South Australian politician, complaining that the advertising by The Firm is "trashy and exploitive soft porn". The former Today Tonight journalist said the video of women in suggestive poses were not only "crude, rude and offensive" but "totally inappropriate" and "demeaning to women". He also remarked that the advertising was not a "good look" opposite Parliament in one of the city's "most popular thoroughfares".

As a mother to two young boys, I especially do not want my sons - or anyone else's children - to have to see these highly sexually suggestive images while going about their daily business. I have seen my kids looking at these images as we've walked past – they are easy to see from a pram or while walking on foot. In fact, many young people are being exposed to these images as they exit the main train station or use buses and trams which travel along North Tce. Many young people including international students reside in the neighbouring Urbanest Apartment building.

The video displayed at street level shows videos of women in sheer lingerie dancing provocatively, touching their bodies and removing items of clothing. The video shows a woman touching her breasts and then leading her hand down to her groin. The video also shows women dancing provocatively from behind – at one point, with the camera is positioned so that the women's (predominately bare) buttocks in a g-string are positioned above and centre screen, as if to simulate being inside the venue with the viewer sitting at a lower level to the dancer. In this instance we are not just talking about sexualised media, but pornographic images. These images are intended to



stimulate sexual excitement and mimic the kinds of services they offer to “gentlemen” 18 years and over.

The images focus on the breasts, groin and buttocks with minimal showing of faces, which implies that a woman’s body is an asset, a ‘product’ to be desired and purchased. This suggests that women breasts, groin and buttocks exist for the enjoyment of others, which is exploitative and degrading to all women. Women and their anatomy are not decorative objects or commodities to be sold in this manner (which appears to be the purpose of the advertising). The women pictured are objectified for the sole purpose of the sexual gratification of others, in this case, the “gentlemen” consumers of this venue. This type of advertising degrades women, who should be treated as equals, respected and treated with dignity. More broadly, the images and video could generally be considered as sexually stimulating and sexually suggestive, as per the dictionary definition of sex, making them inappropriate for public display.

As a society we know that sexualised media – and in this case pornographic images – have harmful effects on all people but especially women and young people. Recent research provides consistent evidence that both laboratory exposure and regular, everyday exposure to this content are directly associated with a range of consequences, including higher levels of body dissatisfaction, greater self-objectification, greater support of sexist beliefs and of adversarial sexual beliefs, and greater tolerance of sexual violence toward women (<http://www.tandfonline.com/doi/full/10.1080/00224499.2016.1142496>). Research supports that images like these shown by the The Firm create an unrealistic view of women which can be very damaging to a person and their relationships. Moreover, experimental exposure to this content leads both women and men to have a diminished view of women’s competence, morality, and humanity. This is because sexually objectifying portrayals of women in advertising and popular culture sends a message to girls and women that their sexual value is all they are, rather than a human being with a personality, feelings, needs, dignity and rights.

These images also contribute to gender inequality which provides the underlying social conditions for violence against women. It operates at many levels – from social and cultural norms (the dominant ideas about men and women in a society), to economic structures (such as the pay gap between men and women), to organisational, community, family and relationship practices. Violence against women is based upon a foundation of unequal power between men and women, something that has been embedded historically in our society and in our relationships; an imbalance which is most prevalent today in how women are represented in advertising. To overthrow the epidemic of violence in our community we must start at the very beginning by examining the long-standing practice of selling women’s bodies and take steps to remove inequality.



Our young people are suffering rising rates of depression, anxiety, eating disorders, self-harm, and body hatred. Statistics show that 58% of girls receive uninvited sexually explicit material (texts, video clips, pornography), 70% are harassed online. Sexualisation, objectification and a deluge of pornography are major drivers of these negative physical and mental health outcomes. There is a wealth of research documenting the damaging impact of pornography on the attitudes and sexual practices of young people, including a massive increase in children as young as five entering treatment programs for sexually abusive behaviors, and child on child sexual assaults that have quadrupled in the last few years. At a cost to the Australian community, we've just had a Government Inquiry into the harms of pornography exposure to children. Pornography has become a public health crisis yet little seems to be being done to protect the community from its harmful effects of advertising by adult entertainment venues. There are genuine community and government concerns about sexting and cyber safety and advertising directed at young people seen to encourage or normalise this behaviour. How can exposing young people to these images not normalise pornography and the objectification of women's bodies and thereby encourage these unsafe behaviours?

It's time to protect children and young people from exposure to graphic, harmful pornography and prioritise their well-being above the profits of venues like this. Establishments like this may exist as long as there are consumers willing to pay for what they are selling, but the rest of the community does not need to suffer these images and their harmful effects. Consumers who frequent these establishments know they exist and may seek them out. These kinds of images should only be shown to consumers inside the establishment, who are over 18 years of age and are a willing party to paying for the objectification of women.

THE ADVERTISER'S RESPONSE

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

To Whom It May Concern,

A description of the advertisement

The advertisements are shown on a 55-inch LCD panel. All of the videos and images showcase our performance artists dancing which is featured in the venue, we are showing this content to promote the dance artists, trading hours and sometimes drink specials.

5am to 6pm weekdays the screen displays a black background still image of our logo with only the words "The Firm" in white text and the venue trading hours.



Please note, none of the below described images/videos are on display during business hours weekdays, the below advertisements scheduled from 6pm-5am weekdays and 24 hours weekend. Advertisement schedule log can be provided if required.

None of the images or videos was photographed by any of "The Firm" staff members in fact we have purchased these images/videos from an online website, an example of such a website and images can be found below:

http://www.shutterstock.com/pic-135096785/stock-photo-beautiful-young-smiling-woman-posing-looking-at-camera-long-healthy-curly-hair.html?src=pp-same_model-135096812-4

After purchasing this image/videos, our marketing team/agency edited the background and added The Venue name etc.

The only image not purchased was of Nana Mona, which was provided to us by the artist herself.

Comprehensive comments made in relation to the complaint

All the models within our advertising materials are mostly covered. We consider our advertising content to be performance art. These videos and images were never designed to concentrate on any particular part of the model's bodies, it is up to the individual whether he/she wishes to concentrate on a particular part of the artist/model (s) in the videos or images.

Our advertising displays on this screen are only displayed from 6pm to 5am Weekdays and 24 hours on weekends. From 5am to 6pm the screen displays no images but the logo of our venue and the opening hours. (If required we can provide you with our screen's log which would be a print from the computer that controls that particular screen.)

The purchased content was made by a professional photographer/videographer and are freely available to purchase online. In fact, there are many variations of the same models on the website and ones similar to it which we linked to you.

According to the South Australia liquor licensing rules we are located squarely within the night life district as we have to abide by the 3 am lockout required for all venues in the night life district within the Adelaide CBD.

"The Firm" is located on 142 North Terrace Adelaide, across the road from "Adelaide Casino" (seen at 2:20 of the video) Apart from the Adelaide Casino and "Fat Controller" night club the immediate vicinity is entertainment, bordering on Bank Street, a popular bar precinct which borders on Hindley Street, Adelaide's night life



street.

There are no schools or day cares nearby, however we always make sure our advertising materials is very carefully and professionally designed and distributed, e.g. all 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 minor's attention as we are a fully licensed adult entertainment club.

We appreciate your efforts in helping us 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 was confronting, offensive and inappropriate for a location with a broad audience including children. The Panel further noted the complainant's concern that the advertisement features images which are highly sexualised and resemble soft porn, and is exploitative and degrading of women in its implication that a woman's body is an asset, a product to be desired and purchased.

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

The Panel noted that this out of home TV advertisement is a compilation of three different videos and features women in lingerie dancing.

Video 1 depicts close up scenes of a woman in black putting on stockings, her cleavage, her back and her legs.

Video 2 depicts a model (woman 1) in an opaque shirt and mesh skirt walking away from the camera while wearing high heels; a model (woman 2) in orange lingerie dancing against a window; a model (woman 3) wearing sunglasses, black lingerie and black boots dancing in a squatted position with her legs apart in a gyrating manner then body-rolling to a standing position, woman 3 dancing in black lingerie while touching her body; a model (woman 4) in a black dress dancing; a compilation of all the models dancing with our logo.

Video 3 depicts a model in one-piece swimming suit dancing in sport shoes against a car.

The Panel 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 or degrading of any individual or group of people.”

The Panel noted the complainant’s concern that the advertisement is objectifying of women, and is exploitative and degrading of women in its implication that a woman’s body is an asset, a product to be desired and purchased.

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.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the depiction of women in lingerie and in connection to a gentleman’s club is one which most people would consider to contain sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that this is a legal business and although people may dislike the fact that women in the business are paid for adult entertainment services, this does not mean that the advertisement is exploitative.

The Panel considered that there was a focus on the women’s bodies in the advertisement, however noted that the advertised product is a gentleman’s club which features scantily clad women as part of its service. The Panel considered that the images used in the advertisement are clearly related to the product being advertised.

The Panel considered that the advertisement depicted the women as undertaking activities in the course of their employment, and did not otherwise suggest the women were objects.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel then considered whether the advertisement used sexual appeal in a degrading manner.



The Panel considered that the advertisement depicted the women as confident, and considered that the advertisement did not depict the women in a way which lowered them in character or quality.

The Panel considered that the advertisement did not use sexual appeal in a degrading manner.

The Panel determined that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people, and did not breach Section 2.2 of the Code.

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 noted the complainant's concern that the advertisement was confronting, offensive and inappropriate for a location with a broad audience including children. The Panel further noted the complainant's concern that the advertisement features images which are highly sexualised and resemble soft porn.

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 image 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 a woman in revealing lingerie is not a depiction of sexual intercourse, sexual stimulation or suggestive behaviour. The Panel considered that the advertisement did not feature or allude to sex.

The Panel considered whether the advertisement treated the issue of sexuality and nudity with sensitivity to the relevant audience.

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 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 a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that throughout the advertisement there are several scenes depicted various women's mostly bare buttocks. The Panel noted that in these scenes the women are shown to be dancing or moving seductively, and that this movement in combination with the nudity was a depiction of sexuality.

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 image appears on an electronic sign on the street. The Panel noted the advertiser's response that the advertisement is displayed between 6pm-5am weekdays and 24 hours on weekends. The Panel considered that 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 considered that the videos of the women are highly sexually suggestive, and that many members of the community, including those who would view this advertisement, would find it confronting for an advertisement to feature imagery with



such a high level of sexuality and nudity. The Panel considered that the advertisement did not treat the issue of sexuality and nudity with sensitivity to the relevant audience.

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

Finding that the advertisement breached 2.4 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We decided that we will modify the advertised videos. All videos in question have been removed of off the Firm outdoor advertising screen. We are working on creating new videos.