



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0186/19</b>
<b>2</b>	<b>Advertiser</b>	<b>Crazy Horse Revue Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Out of home</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/06/2019</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Not Modified or Discontinued</b>

## 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 women in lingerie and swimwear. At 0:00 the screen briefly shows two models touching while covering each other's breasts.

Still Image, fully clothed blonde model looks at the camera.

At 0:06 you will see two female and one male artists enjoying each other's company in a playful manner. This shows a party atmosphere of male and female models dancing. Graphics promote venue and idea of Buck's Night.

At 0:20 there is a still image of a model with hip high underwear and breasts which are covered by large nipple covers. The text reads "Make your fantasy a reality" (our brand slogan) at the top and "For buck's nights visit CrazyHorseRevue.com.au" below.

At 0:37 there is a shot of a model walking from behind with stockings, underwear and a bra. The shots then alternate between another model wearing the same clothing,



with the artists dancing throughout. The screen then shows a red passport logo, which is a membership offer. This is short montage of two models in lingerie moving gently on a stage, under strong red lighting.

At 0:54 there is photo of a model with glasses, a large white bra and white shorts. The description again reads “Make your fantasy a reality” and “For your next function” with phone number and website below.

At 1:07 the video show three dancers in lingerie move and perform on a stage, using moving poles and backlit mirrors. This video shows a staged scene of some male models in the background and the models with various other models light compositions and scenes. It also showcases a shower feature. At the end, a logo is overlaid over the artist.

At 1:32 a model in a black bra and underwear with stockings and shoes, is posing in front of a white background. The slogan reads “Experience fantasy made reality” and “lingerie only” with opening hours.

## **THE COMPLAINT**

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

*It is not acceptable that a main arterial street to the city centre of Adelaide, which is accessed by people of all ages, is subjected to these images. The images and video on two screens – one at standing height and one over the top of the entry - are very imposing to anyone walking by and play sexually objectifying images of women 24 hours a day, 7 days a week on brightly lit high resolution screens. These images are on constant display, even when the Crazy Horse isn't open. I note that the large screen above the entry is extremely brightly lit and can easily be seen from across the street but also from quite a distance, especially after dark. I live very near to this bar (within 450 metres) – along with other families in my street, 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 mall for shopping or the city library. These images are highly sexualised, resemble pornography and are inappropriate for a broad audience. They do not belong on public display for all to see.*

*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 from both sides of the street. In fact, many young people are being exposed to these images. I have seen*



*young people undergoing vocational and trade qualifications walk past this establishment when coming from the train station exit on Hindley Street (next to Smokemart) to the city's main TAFE college (they generally walk up Hindley Street on to Rosina Street, which the Crazy Horse is on the corner of). Similarly, young people attending Influences Church opposite TAFE can be seen walking the same route. I note Trinity Church is also nearby, with attendees parking out front of the Crazy Horse on Sunday mornings. Other young people attend vocational educational courses at Durban International College, located at 128 Hindley Street, across the street from the Crazy Horse. Most of these appear to be international students, many of whom are from conservative countries, and who would find these images highly confronting. Other young people walk past the Crazy Horse when coming from the train station exit on Hindley Street to Adelaide High School and the University of South Australia (City West). Long gone are the days that Hindley Street was a seedy place frequented only at night by adults. It cannot be said that Hindley Street is merely a night-life district, when it houses an increasing number of homes and many thriving businesses (travel agents, book shops, and new and old cafes and restaurants). Further, this is the main arterial which connects the west end of the city to the mall. The Adelaide City Council have worked hard to improve this area of the city to make it more liveable; something that has worked, with many high rise apartments being established in the north west quarter of the city in recent years, not to mention the new Royal Adelaide Hospital. This progress has also increased facilities for families with children. For some time there was a child care centre - which my first child attended - which fronted nearby on to Hindley Street called the City West Child Care Centre (now located on Waymouth St). My children, along with other children, do swimming nearby at Pridham Hall on Hindley Street. My children and I have also attended events at the Adelaide Symphony Orchestra Grainger Studio, which is around 100 metres from the Crazy Horse on Hindley Street. The Greater Union cinema, which regularly hosts family events, is almost directly across the street from the Crazy Horse. While my family loves seeing movies, I must admit I consciously often decide to go elsewhere in an effort to protect my children from having to see the unavoidable images displayed by the Crazy Horse. Why should I feel I can't access areas of my own neighbourhood out of a need to prevent myself and my children from seeing sexually explicit material?*

*In this instance we are not just talking about sexualised media, but pornographic images. I note that the video displayed at street level depicts sexual intercourse between two women which forms a prominent theme. This sexual intercourse is indicated by images of two women's breasts pushed together with lingerie and then without as if the act is progressing, one woman licking the other from chest to neck, the women rubbing their naked breasts together, and the women embracing each other in intimate poses about to kiss. The focus on two women having an intimate relationship for the enjoyment of men is offensive to the LGBTIQ community and their supporters. It is exploitative and degrading for women in same sex relationships – but also sends harmful messages to heterosexual young women that performing sexual acts on other women for the enjoyment of men is acceptable. These messages in*



*advertising can also put women at risk, as evidence by two women who were recently beaten by men for refusing to kiss for their entertainment (<https://www.newsweek.com/homophobic-attack-london-bus-pride-month-1442723>). The video showing bouncing breasts and constant imagery of breasts also reduces women to a single part of their anatomy and implies women's breasts are a 'product' to be desired and purchased. This suggests that women breasts exist for the enjoyment of others, which is exploitative and degrading to all women. Women and their breasts 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 consumers of this bar. This type of advertising degrades women, who should be treated as equals, respected and treated with dignity. More broadly, the images and video on both screens 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 - has 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 Crazy Horse 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. 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 bars 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:*

*55" inch digital signage LCD panel. There are two types of content featured on the advertisement display screen; content created especially for the venue and content purchased from third parties.*



*Content created by our marketing agent within the Crazy Horse Venue:*

*Bucks part advertisement, At 0:06 you will see two female and one male artists enjoying each other's company in a playful manner. This shows a party atmosphere of male and female models dancing. Graphics promote venue and idea of Buck's Night.*

*Red Passport (Membership advertisement) At 0:37 there is a shot of a model walking from behind with stockings, underwear and a bra. The shots then alternate between another model wearing the same clothing, with the artists dancing throughout. The screen then shows our red passport logo, which is a membership offer. This is short montage of two models in lingerie moving gently on a stage, under strong red lighting. We do this to showcase the inside of our venue.*

*Brand and show casing of our interior advertisement, At 1:07 the video show three dancers in lingerie move and perform on a stage, using moving poles and backlit mirrors. This video shows a staged scene of some male models in the background and the models with various other models light compositions and scenes. It also showcases our shower feature. At the end, our logo is overlaid over the artist.*

*Videos and Pictures purchased from Third Parties:*

*Video, At 0:00 the screen briefly shows two models touching while covering each other's breasts.*

*Still Image, fully clothed blonde model looks at the camera.*

*At 0:20 there is a still image of a model with hip high underwear and breasts which are covered by large nipple covers. The text reads "Make your fantasy a reality" (our brand slogan) at the top and "For buck's nights visit CrazyHorseRevue.com.au" below.*

*At 0:54 there is photo of a model with glasses, a large white bra and white shorts. The description again reads "Make your fantasy a reality" and "For your next function" our phone number and website below.*

*At 1:32 a model in a standard size black bra and underwear with stockings and shoes, is posing in front of a white background. The slogan reads "Experience fantasy made reality" (a variation of our advertising slogan) and "lingerie only" with our opening hours.*

*These image was not photographed by any of "the Crazy Horse" staff members in fact we have purchased these images 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](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, our marketing team/agency edited the background and added The Venue name.*

*Comprehensive comments made in relation to the complaint*

*The advertisements are posted on a 55inch screen inside the venue behind the glass (Lobby Area), facing out on to Hindley street. As you can see in the video, this is behind our barrier and there are usually security standing out the front of the screen.*

*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 body, it is up to the individual whether he/she wishes to concentrate on a particular part of the artists/Model (s) in the videos and or images.*

*The purchased content were photographed by a professional photographer 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.*

*The Crazy Horse is located on 143 Hindley Street Adelaide. Hindley Street is the night life precinct of Adelaide. As you can see at the end of the video, it is right next to HQ which is one of Australia's biggest night clubs. It is across the road from another strip club 'Strats' and right next to 'Strats' is 'Rocket/Mr Kim's/ECs' which is a three level super club. On the other side of Rocket is a sports bar and gaming room 'the Rosemont. It is also within few meters from Signature Lounge, Dog and Duck and Red Square which are other major night clubs. It is 2 minutes away from yet another strip club 'The Palace'. Even off Hindley Street, on Morphett Street there is a prominent sex shop with BDSM displays in the window and more nightclubs on Light Square. Hindley street is surrounded by laneways all full of bars and entrainment venues. There is many more clubs, bars and gaming rooms as about 90% of state's night life venues are located on Hindley Street and in its vicinity.*

*There are no young people exiting the train station as there is no train station nearby- this seems to be a mistake caused by copy and pasting the complaint for our other venue. The train station is significantly far away on North Terrace, the University of South Australia is over 350 metres away on the other side of Morphett Street.*

*There are no schools or child care/day cares centres nearby. There are hardly any people walking or driving on Hindley Street during the day. It's only high traffic during the night and the weekends.*



*We take great pride in our business and we never in any sense try to offend any member of the public and we always make sure our advertising materials are very carefully and professionally designed and distributed. Please note that it is not and has never been in our interest to attract children or minors into our club 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 still images and four videos .

The images are:

1. A brunette woman in white lingerie.
2. A brunette women in black lingerie.
3. A brunette woman in black garter belt and underpants, who is topless with red pasties covering her nipples.

The videos are:

1. Depicts two naked women in an embrace with their breasts touching.
2. A compilation of two separate women in black lingerie dancing on and around a pole. In some scenes, men can be seen in the background watching the dancers.
3. Depicts close up scenes of a woman in black lingerie standing under a shower. The video is red tinted.
4. Depicts several women dancing around several men with the text "Buck's Party" across the screen at the beginning.

The Panel noted the advertiser's response that some aspects of the complaint appear to relate to another business, specifically the suggestion that a train station is nearby. The Panel noted that the complainant had made a complaint about two businesses





and that Ad Standards staff were unable to separate the complaint entirely. The Panel considered that the overall concern of the complaint was valid.

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 some scenes in the advertisement depict a Buck’s Party scenario, in which women in lingerie are shown to be dancing on stage in front of clothed men, or interacting with clothed men. 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 a depiction of women in the course of their employment is not of itself 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 did not suggest the women were objects, or were for sale, rather the image of the women directly related to the



services being advertised.

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 noted that some members of the community may consider this type of work to be degrading to women. However, the Panel can only consider whether they are depicted within the advertisement 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 of 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 factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered Video 1. The Panel considered this video was highly sexually suggestive in its depiction of two naked women in an embrace with their breasts touching. The Panel noted it had previously considered a similar issue in a poster advertisement featuring two women in lingerie with one straddling the other in case 0449/18, in which:

"The Panel noted the underwear on the models is sheer considered that the tagline of the advertisement "the most indecent affair yet" is indicative of a sexual relationship. The Panel noted that the blonde model is shown with her head tipped back and her thumb is placed inside the suspender strap of the brunette model, and considered that the breasts of the two women are connecting. The Panel considered that the pose of the women is highly sexualised and suggestive of an intimate or sexual relationship, and considered that such a pose would not be considered to treat sex with sensitivity by most members of the community."

The Panel considered Video 3. The Panel considered that this video features several close up scenes of a woman's mostly bare buttocks. The Panel noted that in these scenes the woman is shown to be dancing or moving seductively, and that this movement in combination with the nudity was a depiction of sexuality.

The Panel considered Video 4. The Panel considered that this video featured women



in lingerie in a Buck's Party scenario, both dancing around a pole, around a man and with each other. The Panel considered that the women are wearing minimal lingerie, and a large amount of skin is displayed.

The Panel considered Image 3 which features a topless woman with tassels covering her nipples. The Panel noted it had previously considered the use of nipple tassels in advertisements in case 0561/14, in which:

"The Board considered the premises and area where the business is located and noted that it is well known to the broader community and is not an area that children generally are. The Board considered that the promotion did not include overtly sexualised images apart from the woman's breasts (with covered nipples). In the Board's view, considering the suitable covering of the woman and the location of the image the Board determined that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code."

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 noted the advertiser's response that the advertisement is located inside the lobby of the business behind glass and a barrier. The Panel considered that although that is the case, the advertisement is still clearly visible to people walking past the business and 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 likely to view this advertisement would



find it confronting for an advertisement to feature imagery with such a high level of sexuality and nudity.

The Panel noted that complaints about the advertisement in case 0561/14 which depicted a woman wearing nipple tassels were dismissed, but considered that this was largely based on the consideration of the relevant audience. In the current advertisement, the Panel considered that the relevant audience was broad and would likely include children, and that the depiction of the woman did not treat the issue with sensitivity to the relevant audience.

The Panel considered that the images and videos forming part of the of the advertisement, that were not specifically identified in this case report, were not in breach of the Code.

The Panel determined that overall 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**

The Ad Standards Community Panel (ASCP) has requested a response to the complaint by a member of the public regarding advertisements displayed on the Advertiser's business premises in Hindley Street, Adelaide. This response covers the following topics:

1. Background.
2. Content of the Complaint.
3. Response to Findings and Determinations.

### **Background**

The business is located in the adult entertainment precinct of Adelaide and has been trading under the name and style of the "Crazy Horse Revue" for many years. The precinct contains a number of adult venues along Hindley Street which are within close proximity to the business. The precinct is a known destination for adult entertainment. The business is licensed, access is only permitted to persons who are over the age of 18 years and the venue complies with all statutory regulations regarding its trading activities.

The advertisements are located within the business premises and can be viewed from the footpath. However, they are not unduly prominent in position or size. For



example, the case report notes that a “55 inch digital signage panel” is used for displaying video images. In order to view the content of the advertisements in detail it would be necessary to stand on the footpath at the front of the business. The advertisements are also directly relevant to the business conducted on the premises.

The complainant has referred to other destinations within the Adelaide CBD that she considers relevant to the complaint. The Royal Adelaide Hospital, Railway Station and City Library on North Terrace and the TAFE College on Currie Street. The Rundle Street Mall is the main shopping district in Adelaide. Most of the destinations are located a considerable distance from the business and can be easily accessed using other routes. Walking through the adult entertainment precinct is therefore a personal choice rather than necessity with the exception of persons working in the precinct.

### Content of the Complaint

The complaint is reproduced in the case report.

Many of comments by the complainant are argumentative and unsubstantiated. The tone of the complaint is heavily biased and suggestive of a person having a heightened sensitivity to sexually suggestive material or wanting to promote a cause. Some comments are misleading including statements purporting to describe the routes and destinations of others and the proximity of the business to other venues. The call to action “It’s time to protect children and young people from exposure to graphic, harmful pornography and prioritise their well-being above profits of bars like this” is provocative and confirmation that the complainant is using the ASCP to promote an agenda.

The statements incorrectly and disingenuously characterise the advertisements as containing “pornography”, “sexual intercourse” and “exploitative and degrading to all women”. It is noted that the ASCP has rejected those claims in its consideration of the section 2.2 of the Code of Ethics (Code), but they underline the text and tone of the complaint as well as the complainant’s tendency to exaggerate.

### Response to Findings and Determinations

#### Section 2.2 of the Code

It is not proposed to address the findings or determination of the ASCP under this section because it has determined that the advertisements do “not employ sexual appeal in a manner which is exploitative or degrading of any individual group of people”. As such, a response is not needed except to note that the Advertiser agrees with the ASCP’s determination under this section of the Code.

#### Section 2.4 of the Code



The Advertiser does not agree with the determination of the Panel under this section of the Code. The Advertiser is mindful of community standards but, with respect of the panel members, considers that the ASCP has:

1. Placed excessive weight on the complainant's statements and not given sufficient weight to the nature of the business, its location in the adult entertainment precinct of the Adelaide CBD, the likelihood or need for the complainant and others to walk past the business when going to other venues described by the complainant and the availability of alternate routes that do not pass through the adult entertainment precinct.
2. Failed to make any enquires as to the accuracy the complainant's statements, particularly those purporting to express the views of minors and others and their travel habits.
3. Incorrectly determined that the "relevant audience" includes children without proper regard to the business location and that of the other venues described by the complainant and the makeup of the adult entertainment venues along Hindley Street. The ASCP ought to have (but has not) taken steps to ensure that this conclusion is soundly based on fact.

The ASCP has also recognised that its determination is inconsistent with the determination of the ASCP in case report 0561/14 where similar images were displayed in like circumstances. The Advertiser does not consider that there is any material difference between the two cases and the distinction made by the ASCP "based on relevant audience" is untenable having regard to the nature and location of each business and other venues and the manner of advertising employed.

Accordingly, we do not propose to comply with the determination.

