



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0208/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Spiegelworld Empire</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/07/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

The Empire Poster depicts three female performers to the left of centre posing together from a side or rear angle, each with their hand(s) raised or otherwise on the hip of the second performer. Each of the female performers is wearing a black costume, referencing a 1920's period costume. The Empire Poster also depicts a female performer balancing on the head of a male performer, a female performer wearing a leotard holding an arrangement of hoops and a male and female performer lying as opposites on the lower portion of the image collage.

### THE COMPLAINT

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

*The advertisement in one picture has 3 or more barely clothed women sexually posing with their hands all over one woman. I feel it sends a bad message to a public audience, especially young children and could not see how the religious community would in any way support such advertisement either.*

### THE ADVERTISER'S RESPONSE

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

*We respectfully reject the assertion that the Empire Poster contravenes Section 2 of the AANA's Code of Ethics. In support of our position we submit that:*

*(a) the Empire Poster does not depict any actual nudity or sexual conduct, nor is any implied;*

*(b) there is a well-established precedent of advertisements depicting females in comparable poses and states of dress as those three female performers, the subject of the Complaint. The costumes worn by the three female performers in the Empire Poster are the same as those worn during performances of Empire. The costumes themselves are appropriate for the acrobatic nature of the performance and provide more coverage of the body than images of most contemporary swimsuits;*

*(c) in Case Report 0401/10, the ASB determined that an image, while sexualised, was relevant to the product being advertised and that the sexual nature was minimised by the context of the advertisement. The image of the three female performers appearing on the Empire Poster is comparable. The image specifically references the period character of the Empire production, inspired by early 20th Century New York, and is given context by the fact that the production includes acrobatics, cabaret and burlesque themes, which minimises any alleged sexuality of the images; and*

*(d) Empire advertising artwork has previously been approved by representatives of our media booking agent and outdoor advertising specialists, having regard to AANA and relevant Council codes. .*

*This is the first complaint we have received regarding the content of Empire advertising material since the commencement of Empire's Australian tour in January 2013. Furthermore, the Brisbane leg of Empire's Australian tour is scheduled to conclude on 30 June 2013.*

*Having regard to the above, the Empire Poster does not depict any nudity, sex or sexual conduct, and we note in particular that the context of the images is self-explanatory and justifiable by the context of the production. On this basis, we maintain that the Empire Poster is not in breach of the AANA Code of Ethics.*

*We would be happy to provide further comment if required. Please do not hesitate to contact me if you have any questions or further concerns.*

## **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 features nudity and sexualised poses and is not appropriate for a broad audience which could include children.

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

The Board 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 Board noted the advertisement features images of performers from the Spiegelworld Empire show and that these images include women wearing black underwear and stockings and a woman in flesh coloured body suit.

The Board noted the advertiser's response that the advertised show includes acrobatics, cabaret and burlesque themes and considered that the images on the poster were consistent

with well-known cabaret and burlesque variety show material of this nature. The Board noted that one of the images consists of three female dancers wearing stockings and suspenders and that two of the women appear to be touching the third woman's lower back/bottom. The Board noted the complainant's concern that this particular image consists of sexualised posing and considered that whilst the image is mildly sexualised, in the overall context of a poster for a cabaret show featuring a variety of show themed images, it is not so strong as to be inappropriate for a broad audience which would include children.

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

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.