



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0217-21</b>
<b>2. Advertiser :</b>	<b>The Firm Gentlemens Club</b>
<b>3. Product :</b>	<b>Sex Industry</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>28-Jul-2021</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

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

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts several woman in bras, garter belts and g-strings dancing around poles and with each other.

### THE COMPLAINT

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

*The 9:30pm time slot for the ad is the main concern (During school holidays on a Sat night many children would be staying up later). And that it was during the screening of the Hunger Games, Mockingjay Pt2. This is a film watched frequently by pre teens / tweens and teens and hypersexualised content is inappropriate viewing. It's also a film about a strong, brave teenage heroine who is not focused on appearance and other similar characters. Way to undermine a message of empowerment.*

*My 11 year old daughter saw this ad on her way to bed. This ad was on way too early when many children are still awake. It is not at all appropriate at any time due to the objectification of women, let alone being aired at such an inappropriate time.*

### THE ADVERTISER'S RESPONSE



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

*The spot ran at 2133 (9.33pm) and is an "A" classified commercial however it is permitted to air from 2030 if it's not in sport/kids/family.  
Hunger Games is rated M and therefore not considered kids/family.  
This should be okay as the Program Rating was "M" and not promoted to Children.*

## **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 objectifies women and the sexualised content was inappropriate for the time the advertisement was shown.

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 women in lingerie pole dancing, dancing with each other and lying down. 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 premises and the use of women as entertainment 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 gentleman's club which features scantily clad and naked 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 employ 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 women 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:

*"Overtly sexual images are not appropriate in outdoor advertising or shop front windows.*

*"Although not exhaustive, the following may be considered to be overtly sexual:*

- *Poses suggestive of sexual position: parting of legs, hand placed on or near genitals in a manner which draws attention to the region;*
- *People depicted in sheer lingerie or clothing where a large amount of buttocks, female breasts, pubic mound or genital regions can be seen; The use of paraphernalia such as whips and handcuffs, particularly in combination with images of people in lingerie, undressed or in poses suggestive of sexual position;*
- *Suggestive undressing, such as pulling down a bra strap or underpants; or*
- *Interaction between two or more people which is highly suggestive of sexualised activity.*

*"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*



*“Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects).”*

### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that there were two scenes in the advertisement which depicted women interacting with each other. In one scene women in black lingerie are pressed up against each other with their breasts touching and in the other scene two women in coloured lingerie dance together with one woman running her hands down the other woman’s arms. The Panel considered that although the women are not engaging in sexual intercourse, this is sexually stimulating behaviour and the advertisement could be considered to contain sex.

### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel noted that the advertisement featured women in lingerie pole dancing, interacting with each other and lying down and that these were highly sexualised images.

### **Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the women in the advertisement are depicted in lingerie, and considered that this is a depiction of partial nudity.

### **Is the issue of sexuality treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

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 the advertisement received an 'A' classification from FreeTV and therefore may be broadcast between 8.30pm and 5.00am on any day. In addition to the time restrictions, an advertisement classified 'A' must not be shown before 9.30 pm during sports programs and films classified G or PG which commence before 8.30 pm and continue after 8.30 pm (unless it is a film which is neither promoted to children nor likely to attract a substantial child audience).

The Panel noted that this advertisement was viewed by the complainant during the movies 'The Hunger Games: Catching Fire' and 'Bridesmaids' which are rated M and MA15+ respectively. The Panel noted that these ratings and times were consistent with the ClearAds rating.

The Panel considered that the relevant audience for the advertisement was anyone watching free-to-air TV after 8:30pm, and this would include older children and teenagers especially during school holidays.

The Panel noted the scenes where:

- Women are seen pole dancing with a focus on the women's buttocks in g-strings
- Two women in black lingerie pressed against each other
- Two women in coloured lingerie dancing together with one woman running her hands down the other woman's arms
- A woman in black lingerie lying on a shiny surface with her legs bent.

The Panel considered that these scenes were overtly sexualised and were not treated with sensitivity to an audience which would include older children and teenagers.

#### **Section 2.4 Conclusion**

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

#### **Conclusion**

Finding that the advertisement did breach Section 2.4 of the Code, the Panel upheld the complaints.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The Firm Corporate Club lounge is a South Australian hospitality venue, the business operates legally and with the relevant licensing. The hospitality business employs over 40 South Australians across our bar, wait, concierge, and security staff and works with over 100 local artists (performers). Our business operates as a safe, and respected venue within our community and is known for our impeccable standards and ethical standpoint.



The Firm Corporate Club Lounge is a venue that offers bar and strip tease services, and services of this nature are often considered controversial. We have come to accept this opinion of some members of the community; however, we welcome these members to come and experience our venue for themselves to see how our business operates and the amount of South Australian's we employ through our business.

Our business has frequently been contacted regarding complaints to the Ad Standards Board, and we note, on most of these occasions the complaints are often rejected on the basis that we operate within the code.

On this occasion, our media was running in line with our recommendation from the ClearAds rating and in line with the broadcasting requirements of Nine Networks, we have received a response from Nine confirming the media was run in line with its Clear Ads Classification and we stand by the stations' decision that the time was acceptable.

As a hospitality business, our experience and expertise are on creating memorable moments for our guests through exceptional customer service and by offering one of the largest premium spirit range in South Australia. We trust in organisations such as ClearAds and the television networks to provide us accurate ratings, advice, and media placement.

On this occasion, the panel has made a preliminary determination that our business was in breach of Section 2.4 of the code. We would like it noted, that The Firm Gentlemen's Club trusted in the recommendation of ClearAds Australia and our business trusted the broadcaster to make reasonable and informed decisions with respect to our business's nature and classification.

Please be advised that we have complied with the directions. The advertisement has been removed.