



Case Report

1	Case Number	0224/15
2	Advertiser	Club Shoop
3	Product	Bars/Clubs
4	Type of Advertisement / media	Billboard - Mobile
5	Date of Determination	10/06/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This mobile billboard advertisement features an image of two women in lingerie. One of the women's bra strap is falling down her arm but her breasts are covered by her bra cups. She is holding hands with the second woman who is wearing an unbuttoned white shirt and has an 'explicit' sticker across her breasts and another 'explicit' sticker across her genital region.

The text reads, 'Club Shoop Free entry before 10pm. 31 Langhorne Street, Dandenong Ph: 9792 3071'.

THE COMPLAINT

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

I feel it is highly inappropriate for this kind of material to be paraded in front of children during the time the kids are getting out of school, a fact made obvious by the 40kmh signs marking the school zone.

It not only leaves parents having to explain to younger children exactly why those women are on that truck but also exposes impressionable young teens and pre-teens - both male and female - to the kind of business this club is in.

I think it's OK for these clubs to trade, but please don't ply that trade to kids.

I am angry that this advertising truck was parked in a very busy area of town, in a centre carpark, right beside a foot path that joins the 2 sides of the shops. Also being straight after school, there were a lot of children, who are well and truly old enough to read and understand the advertising, who were just walking between shops with their families. I walked out of the post office to my car and the whole billboard was unavoidable! I'm upset that my children were exposed to overt sexualisation and objectification of women.

THE ADVERTISER'S RESPONSE

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

We would firstly like to point out that the truck was parked for a very brief period of time (10 mins) in the car park on High Street Berwick so as to allow the driver to quickly purchase a drink on his break. The vehicle was parked in a legal parking space and not in the vicinity of any schools and well and truly after school hours. Our trucks and their drivers are allowed by law to stop for breaks, refuel and use the roads and car parks.

In regard to the actual advertising media on the truck, this was recently reviewed by the board in, case number 0153/15. All the issues raised by the current complainant were dealt with in that case.

We reviewed the board's decision at the time which asked us to Modify or Discontinue the image and decided to take down the image and replace it temporarily with another older previously used approved image until we could find a suitable way to comply with the board's decision on section 2.4 of the code. Which was the level of breast exposed and the stance.

As we were losing business because the replacement media did not properly state our new trading hours and promotions and due to the high cost of preparing new advertising material we came up with the solution to cover up the two areas that the board suggested to comply with the code. We consulted with Fiona of your office and found a product that we could stick over the top of those two areas and it reads the words "Explicit". Which According to the Victorian Government and the Victorian Liquor License Act, we are legally required to use that word in advertising and it is also part of our License to have that word on any Media Marketing, we have just previously never had the word made so large. We have complied with the requests of the board and have altered the image.

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 objectifies women and that the image is inappropriate for viewing by a broad audience particularly children.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code

which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted this poster advertisement features an image of two women in lingerie. The two women are lightly holding hands and one woman is wearing an unbuttoned white shirt and has an 'explicit' sticker across her breasts and another 'explicit' sticker across her genital region.

The text reads, 'Club Shoop Free entry before 10pm. 31 Langhorne Street, Dandenong' and the phone number.

The Board noted that it previously considered this image without the explicit stickers placed over the woman's breasts and pelvic area (0153/15).

The Board noted that it had recently considered a similar matter (0230/15) with images appearing on a vehicle and as in that case, agreed that the current images are typical of the imagery used to advertise gentlemen's lounges and similar venues. The Board noted that the women are portrayed as confident and empowered in this image and that although they are scantily clad, they are not portrayed in a way that discriminates or vilifies a person or section of the community on account of their gender and did not breach section 2.1 of the Code.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board 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 and degrading of any individual or group of people."

The Board noted that in order to be in breach this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

Similar to the previously considered matter (0153/15) the Board noted that it is reasonable for the advertiser of a venue of this nature (a striptease venue) to use images of scantily clad women in a promotion for the venue and for events that are taking place. The Board noted that although the women are scantily dressed, their nipples are not exposed, their genitals are covered by their panties and now includes the words 'explicit' placed over these regions.

The Board agreed that that in the context of an adult entertainment venue the depiction of women posed in a seductive manner is not exploitative and the image itself does not portray women in a manner which is degrading. The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading and determined that the advertisement did not breach Section 2.2 of the Code.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 that in the previous version of the advertisement the woman with the open shirt has very large breasts and that there is a significant amount of cleavage shown to the point of nearly exposing her entire breasts and that as the image was on a mobile billboard this meant that it was able to be viewed by a broad audience. In the earlier version, the Board considered the overall tone of the advertisement and specifically some of the features such as the level of exposed breast, the strap of a bra slipping down and the wide spread legs of one of the models did amount to an image that was very sexualised and that the display of such an image on an outdoor mobile billboard did not treat the issue of sex and sexuality with sensitivity to the relevant broad audience and therefore breached Section 2.4 of the Code.

The Board noted that in the current modified version of the same advertisement, the advertiser had taken appropriate measures to modify the aspects of the advertisement that

were found to be in breach. The Board noted that the placement of suitably sized stickers with the words 'explicit' was sufficient to give an overall impression of a mildly sexualised image and is a more sensitive version of the same advertisement.

The Board considered that current modified version of 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.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.