



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

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0238/18</b>
<b>2</b>	<b>Advertiser</b>	<b>MPS Night Club</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Outdoor</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/05/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Not Modified or Discontinued</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

The Poster advertisement featured two images.

The first image is of two women dressed in black lingerie. The first woman is wearing suspenders and a g-string and is seen from behind. The second woman stands beside her holding a riding crop to the first woman's buttocks. The second woman is dressed in black boots, lingerie and has a pair of handcuffs held in her other hand.

The second image is a man wearing white underwear and a singlet. He is lifting his singlet up with one hand to expose his abs.

## THE COMPLAINT

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



*Strip clubs that are selling sexual related services should not have signage which I have taken a picture of and can send the Ad Standard authority of the naked men and women barely dressed in a shopping centre and viable from the Street.*

### **THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

### **THE DETERMINATION**

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel reviewed the advertisement and noted the advertiser did not provide a response.

The Panel noted the Poster advertisement featured two images. The first image is of two women dressed in black lingerie, with one woman holding a riding crop to the other woman's buttocks. The second image is a man wearing white underwear and lifting his singlet up with one hand to expose his abs.

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 contained sexualised images that were not appropriate to be seen by children.

The Panel considered that the venue is located in an arcade which contained shops and restaurants, and that the advertising could be viewed by people walking past the venue. The Panel considered that the relevant audience for this poster advertisement would be broad and would likely include children.

The Panel considered the Practice Note for the Code which states:



“Advertisements which depict women or men scantily clad, are generally acceptable, if relevant to the product.”

The Panel noted that the product is a night club, not a strip club, and considered that images of women and men in their underwear is not directly relevant to the product.

The Panel first considered the image of the two women. The Panel considered that the poses of the women were highly sexualised, with one woman leaning towards the wall with her legs spread and the other woman standing pressed against her holding a riding crop to her buttocks. The Panel considered that the inclusion of the riding crop, handcuffs and lacy black lingerie added to the level of sexual suggestion in the advertisement. The Panel noted that both women were wearing g-strings and had a large amount of their buttocks showing. The Panel considered that this image did not treat sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Panel then considered the second image of the man in white underwear. The Panel noted it had previously considered similar imagery in case 0532/17, in which:

“The Board noted the particular scene at the end where the camera focuses on the new employee but at the same time, the man in his swimming trunks is in the same image and his groin area is clearly visible at this time. The Board noted that the swimmers are a typical ‘speedo’ style swimmer and that this type of swimwear does make the outline of a person’s genitals more apparent. The Board noted the camera angle emphasises his pubic region and draws the attention of the viewer to that area.

The Board noted that while the camera shot is a close up of his pubic region, his genitals are fully covered and he is standing in a manner typical of someone making a presentation not in a sexualised position.

The Board considered that the advertisement is humorous and unrealistic in nature and in the Board’s view, the overall light hearted nature of the advertisement meant that there was no sexual connotation to the scenario in the board room and the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad viewing audience.”

The Panel considered that unlike case 0532/17, in the current image the man was posed to display his body, inviting particular focus on his genitals and torso, and considered that this pose was sexually suggestive. The Panel considered that the outline of the man’s genitals can clearly be seen against his underwear. The Panel considered that the tight underwear the man was wearing and his pose meant that the focus of this image was on the man’s genitals. The Panel considered that although the man’s genitals were covered by his underwear and there was no actual nudity in the advertisement there was a detailed outline of his genitals and in combination with the sexual nature of the image, the overall impression of the larger-than-life image



was sexually explicit. In the Panel's view the image did not treat sex, sexuality and nudity with sensitivity to the relevant broad audience.

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

Finding that the advertisement did breach Section 2.4 of the AANA Code of Ethics, the Panel upheld the complaint.

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

The Advertiser has not provide a response to the Panel's determination. Ad Standards will continue to seek compliance with the Panel decision.