



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0241-20</b>
<b>2. Advertiser :</b>	<b>Dollhouse Showgirls</b>
<b>3. Product :</b>	<b>Sex Industry</b>
<b>4. Type of Advertisement/Media :</b>	<b>Billboard - Mobile</b>
<b>5. Date of Determination</b>	<b>12-Aug-2020</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 mobile billboard advertisement features two side panels and a rear panel.

Both side panels feature an image of a naked woman from the side. Her hands are cupping her breasts and her legs are bent in a way that obscures her genitals. Superimposed over the image is a ticket with the words 'free entry' and details of the business.

The rear panel of the advertisement features a naked woman with her long hair obscuring her breasts and her arm placed in a way which obscures her genitals. Superimposed over the image is a ticket with the words 'free entry' and details of the business.

### THE COMPLAINT

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

*This trailer is regularly parked outside a home on a busy road near several Primary Schools in Ferny Hills. The closest of these is Patricks Road Primary School, then Ferny Grove Primary School. Children need to walk past this advertising to get to and from*



*school. In fact, they literally need to navigate their bikes and bodies around this trailer in order to get to and from school. Buses and cars carry children to and from school along this road. This is a suburban area. Children are held captive to this advertising by virtue of their age and reliance on adults to protect them from these things. Adults cannot protect their children from exposure to sexually explicit, sex trade advertising in these circumstances. The address for the sex industry business is located at least half an hour drive from where this advertising is positioned. The advertising sexually objectifies women. The name of the business is "The Dollhouse" and uses pink colouring in the ad. This has the dual impact of drawing children's attention to sex trade advertising - this is not merely theoretical, but a first hand account of a child identifying the words "dollhouse" - and speaking of women as "dolls" who are on "show." ("Showgirls") The woman is shown to be in a submissive pose, completely naked, covering herself with her hair and hands and looking away from the camera (viewer) in two of the ad panels. The back panel has the woman looking directly at the camera (viewer) but much of her face is covered by her hair. Re attached photos. photo 1 shows how the trailer appears when I approach it from an easement walking uphill. The other photos give broader context to the positioning of the trailer.*

*This advertisement is within 500m of a primary school and on a very busy road. It is seen by many children every day. It is also on the way to a high school.*

*I object to it being so close to school, to child care centre, to kids dance studios. Inappropriate for children not old enough to attend such a venue to be subjected to the vile stuff that goes on in one. I have no wish myself to see naked, objectified women in a larger than life pornified pose.*

## **THE ADVERTISER'S RESPONSE**

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

*We refer to the above matter and confirm we act for Dollhouse Showgirls.*

*We are instructed that our client prides itself on providing classy and professional adult entertainment and our client understands that this type of entertainment is not for everyone and therefore keeps that in mind when planning/promoting the business. The current mobile billboard advertisement ("the Mobile Billboard") is 3-sided billboard containing 3 images ("the Images"). The 2 side images are identical and are of a woman side on looking down and covering her breasts with her hands. The back image is of the same woman covering her breasts with her hair. The Images each contain the following words:*

- *Dollhouse Showgirls*
- *Free entry*
- *Gentlemen's Club*
- *Restaurant*



- Bar
- 455 Upper Edward St. Spring Hill
- Open from Midday Tue-Fri 6pm Sat

*We are instructed that Ballyhoo Marketing & Communications Pty Ltd was contracted to provide the products for the Mobile Billboard.*

*Our client disputes that the Images exploits or degrades women or are insensitive to the relevant audience.*

#### *Compliance with Section 2.1 of the Code*

*Section 2.1 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.'*

*We note that the Practice Note to Section 2.1 provides the following definitions:*

*"Discrimination – unfair or less favourable treatment.*

*Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."*

*Our client instructs that that the woman in the advertisement is not shown to receive unfair or less favourable treatment because of her gender, rather she is shown in poses that are reflective of the nature of the business and those poses are not inappropriately depicting the woman. Further the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and accordingly the advertisement does not breach Section 2.1 of the Code.*

#### *Compliance with Section 2.2 of the Code*

*Section 2.2 of the Code states: "Advertising or Marketing Communication shall not employ sexual appeal... in a manner which is exploitative or degrading of any individual or group of people.*

*We refer to the AANA Practice Note which defines the terms:*

- *Exploitative –*
  - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or*
  - (b) focusing 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.*

*Our client notes that Dollhouse Showgirls 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. Our client submits that the woman depicted in the advertisement is in a pose relevant to the business and product being promoted and the Mobile Billboard does not employ sexual appeal in a manner which is exploitative or degrading of an individual and accordingly does not breach Section 2.2 of the Code.*



*Compliance with 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”.*

*Our client denies that the images contain sex or sexuality as the defined in the Macquarie Dictionary. While the images do contain partial nudity the depiction of the woman is relevant to the business’s services being promoted and is treated with sensitivity to the relevant audience. The level of nudity in the advertisement is not excessive and the woman is not posed in an overtly sexual way. Accordingly, our client disputes that the images would attract the attention of young children and say that young children who view the advertisement would see images of a model and would not understand the nature of the business. The images are of a fictitious nature and styled in a way that does not depict sex or sexuality.*

*Further our client submits there is no school on the road where the Mobile Billboard is parked. Please see attached google map images of the location of the Mobile Billboard in relation to the surrounding schools. However following receipt of the complaint our client instructs that they now garage the Mobile Billboard during school traffic hours, however this is not always practical.*

*Our client submits that the Mobile Billboard is compliant with Sections 2.3,2.5,2.6 and 2.7 of the Code of Ethics.*

*We note the complainant has used the term “sex trade advertising” in the complaint. We advise that this term is defamatory to our client and should the complainant continue to make defamatory imputations on social media our client reserves their rights under the Defamation Act 2005.*

*We hereby request that the complaint is dismissed.*

## **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’ concern that the advertisement:

- Is sexually explicit
- Objectifies women
- Is inappropriate for display on a suburban street near a school

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel noted a complainant’s concern that the advertisement promotes the sex trade. The Panel noted the advertiser’s response that such a term is defamatory to



the business. The Panel noted that such an issue is not within the purview of the Panel and the Panel could not comment on this aspect of the complaint.

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 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 a naked woman 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 this is a legal business and although some members of the community 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 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 then considered whether the advertisement used sexual appeal in a degrading manner.

The Panel considered that the advertisement depicted the woman in a manner which is indicative of her normal employment and did not depict the woman, or women in general, in a way which lowered women 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 complainants’ concerns that the sexualised imagery is unsuitable for public display.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained 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 noted that in both images of the advertisement the woman was posed naked however considered that such a pose and such attire was not in itself a depiction of sexual intercourse or sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement depicted sexuality.

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 for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that both images in the advertisement feature a naked woman and considered that most members of the community would consider this to be a depiction of sexuality.

The Panel considered whether the advertisement contained nudity and 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 noted that in both images of the advertisement it is clear that the woman is entirely nude however noted that her breasts and genitals are covered, by her arms and her posing. The Panel considered that the advertisement did depict nudity.

The Panel then considered whether the advertisement treated the issues of sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the Practice Note for the Code provides:



*“Full frontal nudity and explicit pornographic language is not permitted. Images of genitalia are not acceptable” and “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 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 noted 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 is displayed on a trailer which is parked in a suburban area during the day. The Panel noted complainants’ concerns that it is close to a primary school and visible by schoolchildren. The Panel noted the advertiser’s response that the trailer is not parked on the same street as a school, however considered that the audience for this advertisement is broad due to its placement in a suburban area.

The Panel considered the version of the advertisement that appeared on the side panels of the trailer, depicting a woman from the side with her hands cupping her breasts and her legs obscuring her genitals.

The Panel considered that the image depicts a high level of nudity and considered that while the woman’s genitals are not visible, her pubic mound is partly visible in the image. The Panel considered that the depiction of the woman holding her breasts is highly sexualised, and that the position of her legs and the suggestion that she is wet or oily contributes to this suggestion of sexuality.

The Panel considered that this image was highly sexually suggestive, and that many members of the community, including those who would view this advertisement, would find it confronting for an advertisement to feature imagery with such a high level of sexuality and nudity. The Panel considered that this image did not treat the issues of sex and sexuality with sensitivity to the relevant audience.

The Panel considered the version of the advertisement that appeared on the rear of the trailer, depicting a woman with her long hair obscuring her breasts and her arm placed in a way that obscures her genitals.



The Panel considered that this image is less impactful than the first image, in that the woman's hair and the text in the image covers her breasts more fully. The Panel considered that her lower half is positioned in such a way that her pubic region is not visible at all. The Panel considered that she is posed in a manner in which she is slightly leaning forward and her buttocks are slightly pushed out. The Panel considered that this image depicts moderate nudity and sexuality.

The Panel considered that this image was moderately sexually suggestive, and considered that many members of the community, including those who would view this advertisement, would consider that the level of sexuality and nudity contained in the advertisement was not appropriate to be viewed in a public and suburban area. The Panel considered that this image did not treat the issues of sex and sexuality with sensitivity to the relevant audience.

Overall the Panel considered that both images in the advertisement did not treat the issue of sex and sexuality with sensitivity to the relevant audience. The Panel determined that the advertisement did breach Section 2.4 of the Code.

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

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

The advertisement will be modified as follows:

- The Side Images will be modified by way of a large sticker stating the opening days/time or similar information to be placed over the entire lower part of the images.
- The trailer is now 8.6km from its original location and is now stored in a Garage at The Gap. The trailer is visible between the hours of 6pm to 10pm Friday and 6pm to 10pm Saturday and is driven from its location at The Gap to Brisbane City and is driven around the Brisbane City and Fortitude Valley.