



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0246-19
2. Advertiser :	The Palace
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Out of Home
5. Date of Determination	7-Aug-2019
6. DETERMINATION :	Upheld - Modified or Discontinued

### ISSUES RAISED

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

### DESCRIPTION OF ADVERTISEMENT

This TV Out Of Home advertisement features a blonde woman in a white bikini with black stockings posed upside down between a man's legs. She is pulling the centre string of her bikini down.

### THE COMPLAINT

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

*I saw this advertisement with my family when visiting the opposite cinema to see a family movie on a Sunday afternoon. It is not acceptable that a main arterial street in the centre of the city of Adelaide, which is accessed by people of all ages for different purposes, displays these images for all to see indiscriminately. This image is imposing to anyone walking by, and particularly attracts attention as its not common to see a scantily clad female upside down on a mans lap with her legs spread. How can I explain this image and the reason the woman's body is positioned to my children? This is an image of the kind of adult entertainment available inside the venue restricted to adults aged 18 years and over - it is not appropriate for a broader audience.*

*I live near to this venue (within 500 metres) - along with other families in and around my street. As a member of the community and a mother with young children, I find this image confronting, offensive, and inappropriate for a broader audience. I have*



*found myself having to modify my route to avoid walking past this venue because of the advertising images it displays but why should I have to do this? This image is highly sexualised and is inappropriate for a broad audience and does not belong on public display for all to see.*

*Many young people are seeing this image everyday and it impacts on how they interpret and view the world around them. I see young people accessing education institutions walk past this establishment when coming from the train station exist on Hindley Street to the city's main TAFE, Durban International College across the street, Adelaide High School, and UniSA City West. I also see young people walking past the venue on a Sunday for parking and to access the nearby churches - Trinity Church and Influences Church.*

*Gone are the days that Hindley Street was a seedy unsafe location. Its been cleaned up and houses many thriving businesses and the amount of people living nearby has also dramatically increased. My children along with other children attend the nearby Pridham Hall swimming pool for lessons. The GU Film House which screen family movies is also located opposite and has special family events. This main arterial is also used for people coming from the north west end of the city, which includes the Royal Adelaide Hospital, to the mall.*

*This image sexually objectifies women and is intended to be sexually stimulating and sexually suggestive, making it inappropriate for public display. It depicts the woman as a 'product' for the gratification of men and degrades women, who should be treated as equals, respected and treated with dignity.*

*As a society we know that sexualised media has harmful effects on all people but especially women and young people. Recent research provides consistent evidence that regular, everyday exposure to this content is directly associated with a range of harmful effects including higher levels of body dissatisfaction, great self-objectification, greater support of sexist beliefs and adversarial sexual beliefs, and greater tolerance of sexual violence toward women (<https://www.tandfonline.com/doi/full/10.1080/00224499.2016.1142496>). Research supports that images like this create an unrealistic view of women which can be damaging to a person and their relationships. Sexually objectifying portrayals of women in advertising and popular culture sends a message to girls and women that their sexual value is all they are, rather than a human being with a personality, feelings, needs, dignity and rights. Please refer to the many research findings which show this type of advertising causes harm!*

*Please uphold this complaint and have the venue remove this advertisement. Please implement a process whereby venues like this can't keep repeatedly using offensive advertising material which breaches the Ad Standards.*



## THE ADVERTISER'S RESPONSE

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

*The way our marketing display is scheduled is that our still images (as attached) are on rotation 24hrs but our videos are only displayed between 9pm and 5am. This is done as we do in fact have our community in mind and are quite aware that there are younger people around during the day, and while I do not believe that anything we display is out of place, we do try to accommodate those in the community who are less open to present day life than we are.*

*There are a lot of assumptions made in the complaint and she purports to speak on behalf of a lot of people, none of which have claimed to join the complaint or have made previous complaints about our imagery. We have been at this location displaying material of various mediums for over 17 years. In that time we have always taken the community into consideration and this complaint is only the 3rd in that time which in itself represents that we are doing that. If people in Church groups, residents, or any other city users have issues with our advertisements, it is within their capabilities to make a complaint either to us direct or to you as the industry body, or the Council. That has not occurred leading me to believe that many of the comments by the complainant are those made by her representing her beliefs alone which may be more skewed than the community as a whole she believes she belongs to.*

*In regards to the still picture the complainant refers to, there is no sound or written text directing the general public to the ways to treat the models or women in general and therefore any generalisations about the content come from a place of the viewers own prejudice that is projected in the way the content is viewed, not from the content itself. In all cases the advertising references the event, not the women as the product - Section 2.2. The images are attached to this email.*

*The models in all of our marketing are more than 'women' as continuously mentioned in the complaint, they are people, and it's actually individuals like the complainant who are diluting the power of one gender and degrading humans by repeatedly assuming and making hasty generalisations that the models don't have the intelligence or capabilities to understand how they are portraying themselves or that there is only one way for people to behave and be viewed just because they are appearing in art work for a strip club. Just because the models may dance and dress in provocative manner does not indicate that they are inviting or perpetuating violence against women, gender inequality, self harm and depression and any other version of that reality is the equivalent of victim blaming.*

*"It weakens the credibility of women, women's rights and women's movement's in the general public when it's suggested that we are all sensitive, vulnerable, non sexual, straight creatures. We are not broadcasting sexuality but a downplayed version of the entertainment the women engage in, edited in a way that's similar to music video clip rather than pornography. Strength does not come from giving a community only one*



*course of action or one option but rather giving them all the options and allowing them to make the right decisions for themselves.” - a comment from Talia Manuel our marketing manager.*

*People of both sexes enjoy coming to our venue and enjoy our offerings and this is indicated by the percentage breakdowns of our social media audience and the patronage we track.*

*There is nothing in these images you wouldn't see at the beach, on Bonds advertising in your supermarket or on shop fronts in Rundle Mall from Bras + Things. Please note the attached document which shows images of people taken at family locations such as beaches, pharmacies and supermarkets.*

*Further and in addition to my previous response I would like to add the following comments which are directly related to the various sections:*

#### *2.1*

*The image is of a man and a woman. The text accompanying the advertisement relates to the promotion for Sundays inviting both male and female members of the public (though neither sex is specifically addressed) to enjoy the benefits of our Sunday promotion. Neither the words or accompanying image create a negative stereotype of how either sex should be treated based on age, gender, race, sexual preference or lifestyle choices and especially not occupation. The image along with the text does, however, relate to the products/services being advertised. While the female model being upside down may appear unusual it is a metaphor for turning the weekend on its head and encouraging the audience to consider new ways of enjoying Sunday nights.*

*The focus of the advertisement does not reference the discrimination or vilification of any gender, age, religion or lifestyle choices of any particular group of people. Instead, the ad does portray adults as having a choice in how they enjoy their weekend in a positive and active manner. The ad is in no way demeaning towards adults of either sex and rather highlights that men and women are people who are allowed options in how to enjoy the weekend, especially in the case of hospitality workers who do not have a 'normal' weekend.*

*Neither the female or male model are shown as less favourable than the other nor is either reduced to an object. The overall impression of the advertisement does not present women in an inferior position or in a manner that is debasing or lowering in character.*

*Play interactions as shown between men and women where neither the man or woman react negatively is considered reflective of playful, consensual relationships and not inequitable of either gender.*

*It's also been proved that the amount of clothing a woman wears when related to the product being sold is neither discriminatory or vilification. In our venue, this is how the entertainers dress and therefore an ethical and accurate depiction of what our*



*audience can expect rather than overly sexualised attire. Further, men admiring women does not amount to the unfair depiction of women if the man's actions are appreciative and the women react positively to the attention, as shown.*

*The complaint conversely, is discriminating against women who work at The Palace based on their occupation, gender and age by assuming everything we do is sexual and inappropriate in nature.*

## *2.2*

*The image does not take advantage of the sexual appeal of the models but rather depict a male and a female who work at our venue engaging in behaviour that is available as part of our promotion.*

*The ad does not lower the quality or character of the models, genders or races involved unless the viewer is judging this image based on their own prejudice that men and women should not feel sexy or enjoy sexy things on the weekend. Further, in the context of an advertisement for a gentlemen's club, a depiction of women wearing this style of clothing is not of itself a depiction which is exploitative and degrading with the model posing in a confident manner. The image itself also does not debase or abuse a person for the enjoyment of others.*

## *2.3*

*The image is devoid of hands-on contact for either model, they are not even touching themselves. The lack of contact and the relaxed look on the model's face implies that no one person is in control of the situation.*

*Further, the image is absent of the following:*

*Depictions that condone or incite violence  
intimidating behaviour  
abuse  
bullying  
domestic violence  
sexualised violence  
use of weapons  
vandalism and violence to property  
consensual violence  
aggressiveness  
exposing oneself to dangerous activities  
threats  
accidents  
horror and gore  
human atrocities and massacres  
war  
torture  
exploitation and cruelty, including animals*

## *2.4*



*The female model is wearing a full brief bikini and long socks. More than what most members of the public wear to a public beach. The advertisement relates to an industry night for Hospitality workers and also members of the public looking to enjoy the last night of the weekend. As Hindley Street hosts more bars and nightclubs than any other street in the Adelaide CBD it is appropriately placed. As previously mentioned, neither model is touching the other in a sexual way. Therefore the level of clothing and the interaction between the man and woman is appropriate. There is no inappropriate nudity or exposure also, the bikini worn is relevant to the fashion found within the venue. Further, it's been decided by your board that Advertising which features people, including same-sex couples, kissing or embracing, as long as no private parts are visible, and are appropriate for the intended audiences and therefore would not be seen as explicit sexual content.*

#### *2.5*

*The Language in the advertisement also reflects the promotion of Sunday and as an industry night. There is no sexual language, other than "The Best Undressed" which is mild, sexual innuendo.*

#### *2.6*

*The image contains no description/depiction of the following:*

*Drugs*

*Smoking*

*Drinking*

*Gambling*

*Bullying (non-violent)*

*Unsafe driving*

*Unsafe behaviour*

*Fantastical elements*

*Safety in the home*

*Protective gear*

*Other health and safety issues*

*The ad also does not condone unsafe consumption of alcohol even though the ad does reference a special on alcoholic beverages. The ad, however, depicts neither model drinking or engaging in unsafe behaviour. Rather two consensual adults enjoying their Sunday night.*

#### *2.7*

*As the advert has our brand elements, logo, tag line and is in front of our venue indicating we intend our target audience to see the advertisement and that the ad is distinguishable as an advertisement.*

*We also meet all of the requirements outlined in your first tier.*

- The models do look like they are modelling*
- The Image appears is staged*
- The Ad contains our tags*
- The ad is central to the products available.*

### **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 complainant's concern that the advertisement features images which are highly sexualised and are inappropriate for a broad audience, and which sexually objectifies women and depicts the woman as a product for the gratification of men.

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

The Panel considered that this advertisement featured an image of a woman in a white bikini and black stockings positioned upside down on a man's lap so that her head was resting near the man's feet. The woman is positioned facing the camera with her legs spread apart, on hand on the ground and one pulling the strap on her bikini down. The text on the image reads 'Non – Stop Sundays. Show your stamp or ticket from a previous event for entry until 11pm. Plus \$10 premium spirits all night. The Best Undressed.'

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 complainant's concern that the advertisement sexually objectifies women and it depicts the woman as a 'product' for the gratification of men and degrades women.

The Panel noted the advertiser's response that the image does not take advantage of the sexual appeal of the models but rather depicts a male and female who work at the venue engaging in behaviour that is available as part of the promotion. Further the Panel noted the advertiser's response that a depiction of women wearing this style of clothing is not of itself a depiction which is exploitative and degrading with the model posing in a confident manner.

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 the woman in revealing clothing 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 people may dislike the fact that women in the business are paid for adult entertainment services, this does not mean of itself 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 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 appeared to depict the woman giving a client of the club a lap dance, The Panel considered that the depiction of a fully dressed and clothed male with a woman in a bikini performing for his sexual gratification was a depiction which presented the woman as an object or commodity.

The Panel noted the woman's pose with her legs spread open implies an inspection of the product available, rather than promotion of a performance by the woman. The Panel considered that this pose further highlighted the impression that the woman is an object to be inspected and looked at.

The Panel considered that while the woman was depicted acting in the course of her employment, the focus of the advertisement on her body, and the contrast between the woman in a bikini and the fully clothed man, was a suggestion that the woman was an object and was exploitative of the woman.

The Panel determined that the advertisement employed sexual appeal in a manner which is exploitative of the woman and breached 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 complainant's concern that the image is intended to be sexually stimulating and sexually suggestive making it inappropriate for public display.

The Panel noted the advertiser's response that they have been in the location for 17 years and have only received two complaints from the community in that time. The Panel further noted the advertiser's response that because models dress in a provocative manner it does not mean that they are inviting or perpetuating violence against women, gender inequality, self-harm and depression, and that there is





nothing in these images that you wouldn't see at the beach, or in other advertising at the mall. The Panel further noted the advertiser's response that neither model is touching the other in a sexual way and the level of clothing and interaction between the man and woman is appropriate.

The Panel noted the complainant's concerns that continuous exposure to sexualised imagery may have long-term effects on those viewing the advertisements. The Panel noted that its role is to consider advertisements on an individual basis against the provisions of the Code.

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

The Panel noted the Practice Note for the Code states:

"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 whether the image depicted 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 considered that the advertisement appeared to depict the woman giving the male a lap dance, and that this could be considered sexually stimulating or suggestive behaviour.

The Panel noted the advertiser's response that neither model is seen touching the other in a sexualised way.

The Panel considered that although the man's hands were down by his sides, the woman was positioned in his lap and her legs were spread open in a sexually inviting manner. The Panel considered that most members of the community would consider this to be a highly sexually suggestive image.

The Panel considered whether the advertisement featured 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 the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the woman's pose was highly sexually suggestive, and the suggestion that she is giving the male a lap dance is an emphasis of sexual matters.



The Panel then considered whether the advertisement featured nudity.

The Panel 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 considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that the woman was depicted wearing a bikini and that her genitals and breasts were covered.

The Panel noted the advertiser’s response that the bikini worn by the woman is similar to clothing depicted in many advertisements near the venue and is not inappropriate.

The Panel considered that the woman is pulling on the strap of her bikini and that a large amount of her cleavage is on display, but considered that this may constitute partial nudity.

The Panel considered whether the advertisement treated the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel considered that the depiction of the woman was relevant to the business’s services being promoted. The Panel considered that although it is reasonable for an advertiser to depict the services being promoted, the depiction should be treated with sensitivity to the relevant audience.

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 considered 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 image appears on an electronic sign on the street. The Panel noted the advertiser’s response that the still images are on display 24 hours a day. The Panel considered that the relevant audience includes workers, people walking to the businesses and people who are not going to the business but who are walking past, and that this last group would include children.



The Panel considered that the woman's pose with her legs spread so that her groin was directly under where the man's head would be was highly sexually suggestive. The Panel considered that this was not a natural pose or one which would commonly be seen in advertising. The Panel considered that while the woman's genitals were fully covered, the pose, positioning and lighting of the advertisement draws the viewers eyes to this region, and the woman's pose was indicating her sexual availability.

The Panel considered that the contrast between the fully clothed man and the woman dressed in a bikini in combination with the woman's suggestive pose meant that people walking past the business during the day would find the image confronting and highly sexualised.

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.

Finding that the advertisement breached 2.4 of the Code, the Panel upheld the complaint.

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

For the reasons we have previously submitted in our response to the complaint we respectfully disagree with the findings made by the Panel. After much discussion we have decided to remove the image in issue.