



Case Report

1	Case Number	0271/11
2	Advertiser	Cleos on Nile
3	Product	Sex Industry
4	Type of Advertisement / media	Print
5	Date of Determination	27/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

Cut out coupon offering \$30 of room hire placed on the back page of a coupon mail out to letter boxes in the south east Brisbane area. There is an image of a woman lying on her stomach and draped in a red satin like fabric. The accompanying text reads, "Cleos on Nile. Open 24/7. Brisbane's Finest Bordello."

THE COMPLAINT

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

The main reason for the complaint is that I am shocked and appalled that this advertisement is:

- *A large indecent advertisement*
- *Placed on the outside cover of the free coupon publication that is delivered to "56000 homes in the Brisbane Bayside area"(is not purchased material)*
- *Unavoidably seen by children who collect the mail for their house*
- *Adult entertainment should not be openly visible by children*
- *Should not be grouped with mainstream advertising*

THE ADVERTISER'S RESPONSE

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

I will address the points in your email as such:

- *I have no reason to believe the advertisement to be in any way offensive. There is no naked or shown provocative female sections of the body that is not acceptable to the general public.*
- *The advertisement was placed on the back page of a coupon newspaper in the South East Brisbane area. It was delivered to mail boxes.*
- *The advertisement ran for a period of two weeks only as a trial run to promote the business.*

Section 2 of the Code:

- *2.1 No discrimination*
- *2.2 Not applicable*
- *2.3 There is no nudity, sex in this advertisement. It may hint at sexuality but is done with sensitivity. Magazines e.g. Picture, People, FMH are easily purchased at fuel stations and newsagencies and are far more sexual in nature due to the amount of bare female flesh and body form. Children are not banned from entering these stores.*
- *2.4 This advertisement does not apply to children's products.*
- *2.5 There is no strong or obscene language in this advertisement.*
- *2.6 There is no material contrary to health and safety standards in this advertisement.*
- *2.7 Not applicable.*
- *2.8 Not applicable.*

Section 2 of the Code Relating to Children:

- *I have read through the code relating to children. This advertisement is not designed or marketed to the children's market. It does not supply any goods, materials, services, etc relating or intending to relate to children.*

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 is indecent and can be seen by children.

The Board noted that the complaint also concerned the product advertised and the fact that it can be advertised. The Board noted that this is a product that is legally able to be advertised and that the Board can only consider the content of the advertisement.

The Board reviewed the advertisements and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that this advertisement is a coupon in a mail out and features a woman lying down and draped in a red fabric and that the accompanying text reads, “Cleos on Nile...Brisbane’s Finest Bordello.”

The Board noted that the woman’s body is covered by the fabric and considered that most members of the community would consider the level of nudity within the advertisement to be very mild and not offensive. The Board noted the advertisement appeared in a mail out, which does not have the mass reach of a billboard or a television program, and noted that the advertisement did not stand out and would be unlikely to be attractive to a child. The Board considered that the advertisement was not indecent and was not inappropriate for a mail advertisement which can be seen by children.

Based on the above the Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.3 of the Code.

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