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Ad Standards Limited  
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## Case Report

1. Case Number :	0281-20
2. Advertiser :	World Cue Sports
3. Product :	Retail
4. Type of Advertisement/Media :	Internet
5. Date of Determination	23-Sep-2020
6. DETERMINATION :	Upheld – Not 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 website advertisement features five images:

1. A woman in white lingerie holding a pool cue.
2. A woman shown from behind in a grey tank top and jeans leaning over a pool table.
3. A black and white image of a woman sitting and holding pool balls in a cave-like setting.
4. A woman in a white bra using a chalk cube on the end of a pool cue.
5. A woman shown from the side in a white mesh top and jeans leaning over a pool table.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*As a female I'm offended that women are seen as objects that are there to be sexualised.*

*At the time I was searching with my daughter for a gift for her dad and the images didn't reflect the product placement .*

*To see women doing sexual poses was very out of place. The insinuation in the pictures are very clear but the lingerie shot just emphasise the message.*

*In an environment that is fighting violence against women it's sad to see that women are very clearly just here to satisfy and entice men to live out their fantasies even at the expense of degrading women*



## **THE ADVERTISER'S RESPONSE**

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

*Removed two images and I'll replace with others today.*

*80/20 rules in advertising and my clients are 90% men and the client you mentioned I imagine would have bought nil or next to that.*

*If you're in advertising you should know the rules.*

*I get many calls saying how good the women are, and I know three of them personally. The lady that I took the images down has got work from us from people asking who she was so you've now affected her income*

## **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:

- Depicts women as objects that are there to be sexualised
- Depicts women in sexual poses which are very out of place and don't reflect the product
- Degrades women.

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

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 noted that the advertisement contained five images which are the subject of the complaint. The Panel noted that they would consider each image separately, as well as the advertisement as a whole.



The Panel first considered whether each image used sexual appeal.

The Panel noted that the first image featured a woman wearing a white lingerie set and black dressing gown holding a pool cue across her body, standing next to a pool table. The Panel considered that the depiction of a woman in lingerie would constitute sexual appeal.

The Panel noted that the second image featured a group of people playing a game of pool, one young woman is seen from behind, bending over the pool table to take a shot. A minority of the Panel considered that this was an everyday depiction of a group of people playing pool and the advertisement did not contain sexual appeal. The majority of the Panel, however, considered that the camera angle meant that the focus of the advertisement was on the woman's bottom as she leaned over the pool table. The Panel considered that a focus on the body part of a woman would be considered sexual appeal.

The Panel noted the third image featured a black and white photograph of a woman sitting on a stool. The Panel noted that she is wearing a short white dress and black heels and there is a chain around one of her ankles. The Panel noted that she is posed with her legs apart, leaning forward so that her elbows rest between them, she is holding a pool ball in her hands. The Panel considered that the pose of the woman with her legs apart is sexualised. The Panel considered the woman is chained as though a prisoner and that this may be seen to be related to a sexualised fantasy. The Panel considered that the third image contained sexual appeal.

The Panel noted that the fourth image features a close-up image of a woman wearing a white bra, holding a pool cue. The Panel considered that the depiction of a woman in lingerie would constitute sexual appeal.

The Panel noted that the fifth image featured a woman in jeans and a mesh crop top leaning on a pool table. The Panel noted the woman's head was not visible. The Panel noted that the woman was posed with her bottom pushed outwards and her hands flat on the pool table. The Panel considered that the way the image was cropped meant that there was a focus on the body of the woman. The Panel considered that the advertisement contained sexual appeal.

The Panel considered that the advertisement as a whole used multiple images of women containing sexual appeal and therefore the advertisement used sexual appeal.

The Panel then considered whether each image used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel noted that in the first image woman's gown was open showing the woman's lingerie. The Panel noted that the background was dark and that the lighting in the image highlighted the woman's body. The Panel considered that this meant that the focus of the advertisement was on the woman's body parts. The Panel noted that



the products being sold were snooker and pool cues and accessories and considered that the focus on the woman's body parts bears no direct relevance to the product being sold. Further, the Panel considered the use of the woman in the advertisement was gratuitous and displayed the woman in a manner suggesting she was an object. The Panel determined that the first image in the advertisement was exploitative.

The Panel noted that in the second image there are four people depicted and all four people are wearing everyday clothing associated with playing pool. The Panel noted that the woman bending over the pool table is wearing jeans and a shirt and is facing away from the camera. The Panel noted that the angle of the camera meant that there was a focus on the woman's bottom as she leaned over the table. A minority of the Panel considered that the woman's pose was clearly in the context of playing pool which is directly relevant to the product being sold. The majority of the Panel, however, considered that the camera angle had been deliberately chosen to prominently feature the woman bending over, and that this was not directly relevant to the product being advertised. The Panel considered that the woman's pose indicated sexual availability and presented her as an object or commodity. The Panel considered that this image, in the context of a wider advertisement featuring other exploitative images of women, did use sexual appeal in a manner which is exploitative of the woman.

The Panel noted that in the third image the woman is chained to a rock. The Panel considered that this is a clear depiction of the woman as an object or commodity. The Panel considered that the third image did use sexual appeal in a manner which is exploitative of the woman.

The Panel noted that in the fourth image the background was dark and that the lighting in the image highlighted the woman's body. The Panel considered that the cropping of the image and the lighting meant that there was a focus on the woman's breasts in the advertisement. The Panel noted that the products being sold were snooker and pool cues and accessories and considered that the focus on the woman's body parts bears no direct relevance to the product being sold. Further, the Panel considered the use of the woman in the advertisement was gratuitous and displayed the woman in a manner suggesting she was an object. The Panel determined that the fourth image in the advertisement did use sexual appeal in a manner which is exploitative of the woman.

The Panel noted that in the fifth image the woman was posed in a sexualised manner, leaning over the table with her bottom pushed out. The Panel noted that the woman's head had been cropped out of the image and considered that this created a focus on the woman's body. The Panel considered that the focus on the woman's body was not directly relevant to the product being promoted. The Panel considered that the woman was not depicted as playing the game or engaging in any activity other than posing in a sexualised manner over the pool table. The Panel considered the woman was depicted as though she was an object or commodity. The Panel determined that the fifth image did use sexual appeal in a manner which is exploitative of the woman.



Overall the Panel considered that the advertisement did employ sexual appeal in a manner which is exploitative of the women.

The Panel then considered whether each image used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel noted that the woman in the first image was depicted rubbing chalk onto her pool cue, standing next to a pool table as though about to play. The Panel considered that while the woman wearing only lingerie was unnecessary in the context of the product, the woman was not depicted in a way which lowered her in character or quality. The Panel determined that the first image did not employ sexual appeal in a manner which is degrading of the woman.

The Panel noted that the woman in the second image was depicted playing pool with other people, and although the camera angle was unfortunate, the woman was depicted as actively engaging in a game with her peers and was not depicted in a manner which lowered her in character or quality. The Panel determined that the second image did not employ sexual appeal in a manner which is degrading of the woman.

The Panel noted that the depiction of the woman being chained to a rock in the third image was a depiction which suggests that the woman is treated as an object, however the Panel considered that she is not depicted behaving in a manner in which she is behaving inappropriately but rather is depicted as a victim. The Panel considered that the depiction of the woman as a victim is not a depiction which in itself lowers the woman in character or quality. The Panel considered that the third image did not employ sexual appeal in a manner which is degrading of the woman. The Panel considered that whilst in the fourth image the depiction of the woman in lingerie was unnecessary, the woman was not depicted in a way which lowered her in character or quality. The Panel determined that the fourth image did not employ sexual appeal in a manner which is degrading of the woman.

The Panel considered that whilst the woman in the fifth image was posed in a sexualised manner, she was not depicted engaging in any activity which would lower her in character or quality. The Panel determined that the fifth image did not employ sexual appeal in a manner which is degrading of the woman.

On that basis, the Panel determined that the overall advertisement did not employ sexual appeal in a manner which is degrading of the women.

Finding that the advertisement employed sexual appeal in a manner which is exploitative of the women, the Panel determined that the advertisement did 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 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 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 none of the five images in the advertisement featured sexually stimulating or suggestive behaviour. The Panel considered that the advertisement as a whole 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 the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel noted that the first image featured a woman in lingerie holding a pool cue. The Panel considered that the image was highlighting the woman’s sexuality through recognition or emphasis of sexual matters. The Panel considered that the first image contained sexuality.

The Panel noted the second image featured a woman bending over a pool table to make a shot. The Panel noted that the angle of the camera meant that there was a focus on her bottom. The Panel considered that this may be considered an emphasis of sexual matters. The Panel considered that the second image contained sexuality.

The Panel noted that the third image was a highly stylised depiction of a woman in a cave with her ankle chained to a rock. The Panel noted that she was posed in a



sexualised way, with her legs open. The Panel considered that the third image contained sexuality.

The Panel noted that the fourth image featured a woman in lingerie holding a pool cue. The Panel considered that the image was highlighting the woman's sexuality through recognition or emphasis of sexual matters. The Panel considered that the fourth image contained sexuality.

The Panel noted that the fifth image featured a woman posed in a sexualised manner, leaning over a pool table with her bottom pushed out. The Panel considered that the fifth image contained sexuality.

Finding that all five images contained sexuality the Panel considered that the advertisement as a whole contained 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 the first image featured a woman in lingerie. The Panel considered that whilst the woman's breasts and genitals were completely covered by her lingerie, the depiction of the woman without clothing may still be considered to contain partial nudity. The Panel considered that the first image did contain nudity.

The Panel noted that all four people who appeared in the second image were appropriately clothed. The Panel considered that the second image did not contain nudity.

The Panel noted that the woman in the third image was depicted as wearing a short white dress. The Panel noted that the dress covered her breasts and genitals. The Panel considered that the third image did not contain nudity.

The Panel noted that the fourth image featured a woman in lingerie. The Panel considered that whilst the woman's breasts and genitals were completely covered by her lingerie, the depiction of the woman without clothing may still be considered to contain partial nudity. The Panel considered that the fourth image did contain nudity.

The Panel noted that the woman in the fifth image was wearing jeans and a mesh crop top, The Panel noted that the way the woman was posed meant that you could not see through the mesh of the crop top. The Panel considered that the woman's stomach was exposed but that this in itself did not constitute nudity. The Panel considered that the fifth image did not contain nudity.

Finding that images one and four contained nudity the Panel considered that the advertisement as a whole contained nudity.



The Panel then considered whether the issues of sexuality and nudity were 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' requires 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 suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel noted that these images appeared on the advertiser's website. The Panel noted that the website sells pool cues and accessories and that this is not a product which would attract children to the website. The Panel considered that the relevant audience would likely be adults looking to purchase pool or snooker accessories.

The Panel noted that all five images were mildly sexualised and that images one and four contained partial nudity. The Panel considered that the images were not overly explicit and that most adults would not find the images confronting or inappropriate. The Panel considered that the overall effect of the advertisement was not overly sexualised and that the advertisement as a whole did treat sex, sexuality and nudity with sensitivity to the relevant adult audience.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement breached Section 2.2 of the Code, the Panel upheld the complaint.

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

The advertiser has indicated that they have removed two of the five images. Ad Standards will continue to seek compliance in this matter.