



Case Report

1	Case Number	0310/17
2	Advertiser	The Firm Gentlemens Club
3	Product	Sex Industry
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features images of a woman pole dancing at The Firm Gentlemen's Club. We see a man watching the woman dance, accompanied by another woman, and scenes of the bar area and champagne being poured. A female voice over promotes the venue as 'high class entertainment' and we see the contact details on screen.

THE COMPLAINT

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

While watching 48 hours the show was about a violent rape & murder of two young women. These types of adverts are discriminating and sexist against woman, they make woman more vulnerable and susceptible to rape and abuse and should NOT be encouraged, we are all aware they exist but keep them out of our family homes; it's not acceptable in this day and age.

THE ADVERTISER'S RESPONSE

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

Our television commercial received approval upon submission to CAD. We have also considered the MA15+ Mature Adult A Classification that was granted in relation to on air times and on the advice of our accredited advertising agency, it was mutually decided to follow the MA/S S classification, even though our club does not provide sex services or products of any kind.

The programme 48 hours is aimed at a mature audience interested in real crime stories and has an M – Mature Audience classification. Neither the advertising agency nor I are unable to find out what the content of the series will be for each episode to allow forward planning and it is certainly unfortunate that our commercial aired in a story about sexual violence.

At no time do I or anyone connected with The Firm, or the agency intentionally seek to promote sexual violence, discriminate or vilify any gender, at any time with our club's television commercial. We only wish to advertise our club in accordance with this state's broadcasting rules and regulations which we believe have been followed.

As the programme 48 hours is about crimes of all types, we will cease advertising during this programme, effective from Monday 10th July 2017.

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 offensive, sexist and not appropriate for viewing.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which 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.'

The Board noted that this advertisement features a stage and a woman moving around a pole. There is a shot of the bar and a man and woman are seen watching the pole dancing performance. The details of the venue are shown at the end of the advertisement.

The Board noted that the image of the woman on the pole is a fleeting image and although her head and face is not visible it is evident it is a woman dancing. The Board noted that the advertisement depicts a performance venue and that there is clearly a man and a woman watching the performance.

The Board considered that it is reasonable for an advertiser to show images of activities that take place at the establishment such as pole dancing. The Board noted that there is a man and a woman watching the performance and that this is suggestive that the venue is of appeal to both men and women.

The Board noted that advertisers are free to use images of whomever they wish in their advertisements and considered that the use of a woman in an advertisement for a gentlemen's club is not of itself discriminatory.

The Board noted the woman is dancing around a pole and that this may be considered as sexy to some viewers but considered that this is not of itself vilifying or discriminatory. The Board noted that 'pole dancing' itself is not sexist and is not vilifying or discriminatory.

The Board considered that the advertisements did 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 did not breach Section 2.1 of the Code.

The Board then 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 Board noted that some members of the community would prefer for these types of adult venues to not be advertised at all but considered that the images used are not strongly sexualised and the advertisement does not feature any inappropriate nudity.

The Board noted acknowledged that some members of the community might be offended by the advertisement but considered that the images are fleeting and only mildly sexualised and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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

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