



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0312/18
2	Advertiser	Bobbi's Pole Studio
3	Product	Sport and Leisure
4	Type of Advertisement / media	Outdoor
5	Date of Determination	11/07/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a standard side, sandwich board style, outdoor advertisement. The wording on the advertisement is our business name (Bobbi's Pole Studio). There is also details of the services we offer (Pole Dancing, Private Lessons and Parties). Our contact details (phone number and website) are then displayed. There is a small image on the sign. It is a photograph of a woman on a pole dancing apparatus. She is wearing high heels and a bikini.

THE COMPLAINT

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

It is inappropriate graphics for children and placed in a prominent position on the street visible at all times in a neighborhood with many families.

I work in a school and should these images be found on a school computer/web page etc it would be of great concern and removed and parents would be involved.

The business markets itself as both leisure dance classes and training for dance in the





sex industry, and yet even the brothels in our area are more discreet than this and do not use images.

THE ADVERTISER'S RESPONSE

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

Response to the complaint (Complaint Number: 0312/18) received by our business from Ad Standards. In accordance with Section 2 of the AANA Code of Ethics, our response to the complaint is as follows:

· 2.1 - Discrimination or vilification ·

As per the Section 2 of the AANA Code of Ethics we strongly believe that our advertisement does not discriminate or vilify any persons or sections of the community because of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Our business has a long-standing reputation as being highly inclusive. Our past and present students come from a diverse range of races, ethnicities, nationalities, genders, ages and sexual preferences. Our staff, management and premises are fully accommodating to persons with disability and mental illness.

We place a very high value on this reputation that has been cultivated over the 14 years we have been operating our business. We would not display advertising that would in any way jeopardise this or present our business as somewhere that would discriminate or vilify any person or section of the community.

2.2 - Exploitative or degrading ·

As per Section 2 of the AANA code of ethics we strongly rebuke the claim that our advertisement is exploitative or degrading. The advertisement does not employ sexual appeal where images of Minors, or people who appear to be Minors are used. The advertisement is not exploitative or degrading of any individual or group of people. The image contained in the advertisement, that was referenced in the complaint, is not vulgar, overtly sexual and does not show any nudity. For this reason, we believe that the image is appropriate for our business without being sexually explicit, exploitative or degrading.

2.3 – Violence

In line with Section 2 of the AANA Code of Ethics, the advertisement does not present or portray any act of or allusion to violence.

2.4 - Sex, sexuality and nudity

Section 2 of the AANA Code of Ethics states that advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. We believe our advertisement follows this guideline in the following ways:

- There is no nudity or sext act depicted in the advertisement*



- *The advertisement is targeted to a specific and relevant audience. The signs were erected to direct our existing students to our new premises. Our audience – future and current students attending our pole dancing studio – do so with the understanding of the services offered at Bobbi’s Pole Studio and to them the inclusion of the image of the woman is acceptable, appropriate and not offensive. We have not gone out of our way to place our advertisement where it will unnecessarily target audiences that are not open to or understanding of the services we provide and to whom it might elicit offense.*

2.5 – Language

The language used in the advertisement is compliant with Section 2 of the AANA Code of ethics, item 2.5 in that it only uses language that is appropriate in the circumstances and is relevant to the audience and medium. The only wording used in the advertisement is our business name. There is no strong or obscene language used.

2.6 – Health and Safety

The advertising or Marketing Communications do not depict material contrary to Prevailing Community Standards on health and safety.

2.7 - Distinguishable as advertising

The advertising is clearly distinguishable as advertising to our audience of current or future students.

Additional Comments

Our premises are located within a mixed-use business precinct, where a range of businesses offering services from yoga to accounting services are currently operating. Our business has been operating within this area for over 10 years (187 Claisebrook Road has been our premises since June 2018 and prior to that we resided at 4 Chelsea Street {300m away} for over 10 years). We understand that some individuals or sections of the community are sensitive to pole dancing. In this regard we ensure that our business operations are respectful of the businesses and individuals around us. From outside of our building there is no way that individuals or passers-by can see in or be exposed to something they may be uncomfortable with. We do this as much for outsiders as well as for the privacy of our many students.

The complaint states that the image show on the advertisement would not be suitable if found on a school computer. We feel that this comment is no relevant to this situation. Our business and the services we provide are completely legal and approved by our local Council to be operated out of this premise.

We have endeavoured to use an image in this advertisement that balances our desire and right to show the services our business offers, with the need for discretion. As such we feel that the image selected is tasteful and does not attempt to offend or showcase any lewd or explicit act.

We would like to thank the panel for the opportunity to respond to the complaint and for taking the time to review and consider our point of view on the matter.



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' concerns that the advertisement features sexualised content which is inappropriate to be seen by children.

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

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 that this outdoor advertisement is on a sandwich board outside the business. The advertisement features details of the business, the business name and a picture of a woman who bending around a pole, wearing a bikini and high heels.

The Panel noted the advertisement is in an outdoor location adjacent to the business premises and therefore the relevant audience would be a broad cross-section of the community which may include children.

The Panel considered that the woman depicted on the advertisement is discreet and was not the focus of the advertisement.

The Panel considered that pole dancing was increasingly becoming a common fitness related activity, and that this business can not be considered as specifically related to the sex industry.

The Panel considered that the woman is depicted as appropriately clothed to participate in pole dancing and while her shoes do add to the sexualised nature of the advertisement, they are relevant to the service being advertised.

The Panel considered the woman was shown to be athletic, confident and in control and was not posed in an overly sexualised manner.

The Panel considered the depiction of the woman was directly related to the service being promoted and was not inappropriate.

The Panel acknowledged that some members of the community would prefer that this type of venue not be advertised where children can view it, but considered that the actual content of the advertisement is not sexually explicit. Overall the Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with



sensitivity to the relevant broad audience which would include children.

The Panel 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 Panel dismissed the complaints.

