



Case Report

1	Case Number	0342/11
2	Advertiser	Illinois Hotel
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	12/10/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity - Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification - Sex

DESCRIPTION OF THE ADVERTISEMENT

Sixteen women wearing different styles of lingerie/clothing stood in a line. To the left of them is the text, "Dancers Cabaret Five Dock GIRLS GIRLS GIRLS" and underneath is the url, "www.dancerscabaret.com"

THE COMPLAINT

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

The advertisement was seen by my children 6 and 9 years old. It was extremely demeaning to women and hyper sexualised. This is not what I want my son or daughter to be exposed too. I have two powerful, clear and concise reasons for my objection:

1) In order to access the services advertised one must be 18+ so images of the services should not be accessible to those under that age limit.

2) The highly sexualised content of the advertisement is viewed daily by everyone going by including children on buses and in cars. This is incredibly unfair on the general populace who should not have to be confronted with such sexualised material on the way to school or work.

I had difficulty believing that such an advertisement was even allowed to go up and I urge the Advertising Standards Bureau to heavily fine the establishment in order to ensure they do not commit this offence again and to compensate for the damage they have already done.

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THE ADVERTISER'S RESPONSE

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

We act for the licensee.

This is not an advertisement but a sign.

It clearly depicts pretty young girls having fun but is not distasteful, is not sexual does not discriminate or vilify sex. There is no nudity or sexual overtones.

We maintain it is not provocative and the images are not in provocative states of undress as you would see on any Sydney beach, Lingerie Advertisements or music videos that are aired during hours when children watch television.

If the complainant is concerned they must live a very cloistered life and not watch television or allow their children to go to the beach. Perhaps they were driving in traffic and did not have a close view of the image and a distorted perception of the site looks like and depicts. Perhaps they should state specifically in which way it is demeaning to women and In which way is it hyper (excessively) sexualized.

Our advice to the client is that the writer does not consider that the sign is in any way offensive and that the complainant must be living in the past. On the contrary I personally consider the sign attractive.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board reviewed the advertisement and noted the advertiser’s response.

The Board noted the complainants’ concerns that the advertisement contains highly sexualised content that is able to be viewed by the broad community, including children.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray

people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... sex...”

The Board noted that the women are clad in a variety of attires including lingerie and short dresses. The Board considered that the women are not portrayed inappropriately and the poses and attires are relevant to the services offered at the venue. The Board considered that the women in the advertisement are not being discriminated against or vilified and the advertisement does not breach section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.3 of the Code. Section 2.3 states: "...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board noted that the product advertised is a gentlemen's club and that such establishments are allowed to be advertised provided that they treat sex, sexuality and nudity with sensitivity to the relevant audience. The Board also noted the large size of the advertisement and the fact that the advertisement is at eye level for occupants of passing vehicles as well as pedestrians.

Some members of the Board considered that the number of women on the advertisement minimized the overall impact, however a majority of the Board considered that the impact of the advertisement is increased by the number of women portrayed in the various poses and the advertisement is overwhelming.

The Board noted that some of the women's poses are more sexualized than others. In particular, the poses where one woman is between other woman's legs and one woman has her head adjacent to another woman's breasts are sexualized.

The Board considered that many people in the community find such images less acceptable where such advertisements take the form of outdoor advertising that can be seen by anyone in the community including young people.

The Board considered that whilst the poses of the women were relevant to the services available at the venue, however it would still be problematic if the same images and poses were in an advertisement promoting lingerie or similar products.

The Board noted it had considered complaints about advertisement for similar services. The Board has upheld complaints where such advertisements contain sexualized images (Cases 0134/11, 0274/11) and had dismissed complaints where the images are relevant, but not overtly sexualized (Cases 0198/10, 0234/10 and 0332/11).

The Board noted the relevant audience for the advertisement is very broad and given the inclusion of some highly sexualised poses it is likely the advertisement will be found offensive by many people who would see it.

The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience. The Board determined that the advertisement breached Section 2.3 of the Code.

Finding that the advertisement breached Section 2.3 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

We will be looking to apply the modification as soon as possible, please be aware that the modification material needs to be manufactured / custom made and installed but we will endeavour to have the modifications installed in the shortest possible time frame.

Further to our phone conversation this afternoon (3rd November 2011) regarding case 0342/11 we have as of today engaged our supplier to design and manufacture the required modifications for the signage.

The modifications should be completed by week ending 12th November 2011.

Should there be any delay with the target completion date I will inform you in writing.

Just a courtesy touch base regarding case 0342/11 the modifications are being manufactured as we speak, my target date of the 12th of November will need to be pushed as the manufacturing / install process has taken longer than first anticipated.

The new finalisation date is the Friday 17th November 2011.