



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0350/17</b>
<b>2</b>	<b>Advertiser</b>	<b>ATA Allstar Artists Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/08/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement for Crazy Horse cabaret features an image of a woman leaning against a red and black reproduction of the Eiffel Tower. The woman appears to be naked and her skin is covered in grey stripes. The text reads, "The iconic & legendary cabaret direct from Paris. Forever Crazy."

## THE COMPLAINT

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

*This is an inappropriate sexual image to be exposing children to. It is posted on the side of a bus where children in adjacent cars are easily able to see it. Including my 3year old! I think if an adult was caught showing this image to a child there would be some serious questions asked about their behaviour.*

## THE ADVERTISER'S RESPONSE

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

*The advertisement is marketing a Parisian Cabaret called Forever Crazy coming to Sydney in September. The outdoor image features a female dancer bathed in light and projection only holding onto the Eiffel Tower. The image although risqué in nature does not show nudity, just the outline and beautiful image of a female performer in the production. The image is chic, sophisticated yet alluring in a typical Parisian style.*

*It is important to note that as an advertiser we always check that the artwork is within official guidelines. To this extent APN Outdoor checked with both the OMA and the ASB. The ASB considers it is unlikely to breach but given it is borderline and likely to generate complaints they have ask us to keep in mind our placements – which is quite difficult to do on buses. I also sent this to our commercial team and they have approved the creative to run also.*

*We are confident we have done all required checks and proceeded with the campaign based on the ASB's advice that the artwork is unlikely to breach the code.*

## **THE DETERMINATION**

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

The Board noted the complainant’s concerns that the advertisement depicts a sexual image of a woman and is not appropriate for children to view.

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

The Board 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 this transport advertisement features an image of a woman leaning against a reproduction of the Eiffel Tower.

The Board noted the complainant’s concern that the image in the advertisement is sexual.

The Board noted that the advertisement features an image of a woman in red high-heeled shoes and considered that although the woman does not appear to be wearing any clothes in the Board’s view the striped light projection on her body gives the impression that the woman’s body is covered and lessens the impact of her nudity. The Board noted that the woman’s breasts, genitals and buttocks are not visible and considered that the level of nudity is not inappropriate. The Board noted the pose of the woman and considered that the overall impression is of an artistic and stylised image which is not so sexualised as to be inappropriate in the context of an advertisement which can be viewed by a broad audience.

The Board noted that the text on the advertisement includes, “The world’s sexiest cabaret” and considered that the word ‘sexiest’ is in relation to the advertised show and not the image on the advertisement and in the Board’s view this word is not strongly sexualised or inappropriate for children to read.

The Board noted that the advertisement states that the Cabaret is ‘direct from Paris’ and

considered that as Cabaret has a strong association with Paris the depiction of the Eiffel Tower in the advertisement is relevant in this context and is not a gratuitous phallic symbol.

Consistent with a previous determination about the promotion of Sexpo on buses in case 0335/15, the Board acknowledged that some members of the community would prefer for this type of event to not be advertised but considered that a cabaret show is legally allowed to be advertised and in the Board's view the content is stylised, relevant to the product and the level of nudity is not inappropriate for the relevant broad audience which would include children.

Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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.