



Case Report

1	Case Number	0370/14
2	Advertiser	The Firm Gentlemens Club
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	10/09/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The poster portrays a brunette haired lady standing up looking at the camera, photographed from head to knees as showing in the image, wearing red lingerie which is covering most of her body, with text that states "The Firm" and the website, the writing is covering most of the model's legs and buttocks.

THE COMPLAINT

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

I have raised the issue with Adelaide City Council who negotiated a "less offensive" image to be displayed but I am not satisfied with the result.

It is the location and visibility of the images that I find offensive. The sex industry itself is not offensive to me, but I believe I have the right, along with any other adult to take a child along a major pedestrian route at any time of day until say 10om, without such images being displayed at their eye level.

THE ADVERTISER'S RESPONSE

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

This image was not photographed by any of “the firm” staff members in fact we have purchased this image from an online website, details of the site we have purchased the image from as follows.

http://www.shutterstock.com/pic-135096785/stock-photo-beautiful-young-smiling-woman-posing-looking-at-camera-long-healthy-curly-hair.html?src=pp-same_model-135096812-4

After purchasing this image, our marketing manager edited the poster background and added The Venue name.

Comprehensive comments in relation to the complaint

The Adelaide city council did not ask me to change or remove the previous poster, the only reason we changed the poster is because we tend to change our advertising materials on a constant basis.

We believe the complaints have been made by the same individual on multiple occasions, therefore it seems to be that one person that is getting offended by our advertisement due to the fact we have not received any other complaints by the general public.

The image was photographed by “professional photographers” and it’s been selling online for some time, in fact there are more than one pose for this particular model available on “Shutterstock”

The poster was created with a lady standing up facing the camera on a side standing position, showing her from head to knees, it was never designed to concentrate on any particular part of the body, it is up to individuals whether he/she wishes to concentrate only on a particular part of the model’s image.

This particular model has more than one image on “Shutterstock” all very similar poses, please follow the links below,

http://www.shutterstock.com/pic-135096773/stock-photo-beautiful-young-smiling-woman-posing-looking-at-camera-long-healthy-curly-hair.html?src=pp-same_model-135096779-h-7msrq4mEyGhZetbzNI4A-3

http://www.shutterstock.com/pic-135096812/stock-photo-beautiful-young-smiling-woman-posing-looking-at-camera-long-healthy-curly-hair.html?src=pp-same_model-135096773-6

Also there are many other photographs/images of other models with the same or similar poses on “Istock” and other sites, please follow the link below,

<http://www.istockphoto.com/search/text/Back%20and%20buttocks%20of%20sexy%20attractive%20blonde/filetypes/photos,illustrations,video/source/basic#aef8699>

We are constantly working really hard to keep all of our advertising materials professional

and classy to keep up to our business reputation and in the same time deliver the right message to our audience.

We believe it is not an objectification to anybody if the person chooses to be photographed erotically, as you can see on the image there are no suggestions of discrimination, harassment or violence against women.

“The Firm” is located on 142 North Terrace Adelaide, across the road from “Adelaide casino”, there are no schools or day cares nearby, even though we always make sure our advertising materials is very carefully and professionally designed and distributed, e.g. all of our signs are not lit during the day, there are no flashing lights at the front of the club during business hours, none of our signs rotate or flash to attract attention of children or minors, none of our advertising materials are designed or aimed to attract children or minors attention.

Please note that it is not and has never been in our interest to attract children or any person under the age of 18 into our club as we are a fully licensed adult entertainment club.

We appreciate your efforts in resolving this complaint.

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 concern that the advertisement depicts an image of a woman in an erotic pose which is offensive and is not appropriate for outdoor display where children can view it.

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

The Board 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 and degrading of any individual or group of people.”

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that the advertisement depicts a woman in a red lacy trimmed body suit and the text reads, “The Firm. www.thefirmgc.com.au”.

The Board noted that some members of the community would find that images featuring women in lingerie to be exploitative. The Board considered however that the image of the woman is relevant to the product advertised and that she is in a seductive but not a demeaning pose and that in this instance the woman is not presented in a manner which is degrading. Consistent with a recent decision against a similar image by the same advertiser (0241/14) the Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

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 it had previously upheld an outdoor image depicting a woman in skimpy underwear in case 0274/11 where:

“The Board considered that the pose of the woman, in particular the suggestion that she is available for sex, is strongly sexualised. The Board noted the relevant audience for the advertisement, which even though only put out at 7pm, is still broad and given the highly sexualised image it is likely the advertisement will be found offensive by many people who would see it.”

In the current advertisement the Board noted that whilst the woman is wearing lingerie her pose is not overly sexualised and the image is not dissimilar to images used to promote lingerie.

The Board noted that the advertisement is a small billboard outside the advertiser’s premises. The Board acknowledged that some members of the community would prefer for these types of adult venues to not be advertised at all but considered that the image is not strongly sexualised and does not feature any inappropriate nudity. Overall the Board considered that the image and content are not inappropriate for viewing by a broad audience which could include children.

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.