



Case Report

1	Case Number	0389/17
2	Advertiser	Bikini Girls Massage
3	Product	Sex Industry
4	Type of Advertisement / media	Print
5	Date of Determination	13/09/2017
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This advertisement is a flyer placed in mail boxes. One side features an image of a topless woman and the text, "Bikini Girls Massage. Girls in lingerie! We've got the hottest young girls in town" and "Girls wanted for massage. We train you. Earn up to \$2,000 per week". The other side has a different image of a woman, this time wearing a bra-style top that reveals most of her breasts. The text on this side reads, "Bikini Girls Open Now! All new girls. No appointments needed. Just rock up!" and "Business opportunity \$40,000 Massage Shop Partner. You can earn \$40,000 per year, plus more..."

THE COMPLAINT

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

Unsolicited advertising flyer dropped into my letterbox (which clearly displays an 'Australia Post Mail Only' sign) with sexually suggestive material, soliciting for sexual services and soliciting for 'girls' to join up. I live in a suburban neighbourhood where young children could easily find and see this material. It could encourage underage children into sex work. This material is not appropriate for indiscriminate distribution in a suburban neighbourhood, where there are a mix of families and ages, including those with young children. Digital photograph of advertisement available on request.

THE ADVERTISER'S RESPONSE

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

The advertiser did not respond.

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 depicts sexually suggestive material which is not appropriate for an unsolicited mail box drop.

The Board reviewed the advertisement and noted the advertiser had not provided a response to the complaint.

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: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people."

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

"Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people."

The Board noted that in order to breach this Section of the Code the advertisement would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that this advertisement is a two-sided flyer featuring an image of a naked woman, an image of a woman in a bra-style top, and text including "girls in lingerie!", "we've got the hottest young girls in town", and "girls wanted for massage".

The Board acknowledged that many members of the community would find the concept of girls providing massage services whilst wearing lingerie or bikinis to be exploitative and degrading but considered that this service is legally allowed to be advertised and the Board's role is only to assess the content of the advertisement.

Consistent with a previous determination regarding an advertisement for a bikini car wash (0570/16) the Board noted that the women in the advertisement are depicted in a manner relevant to the advertised service and considered that the manner in which they are depicted, whilst arguably exploitative, is not degrading.

The Board determined that the advertisement did not breach Section 2.2 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 it had previously upheld a complaint about a similar advertisement for the same advertiser in case 0497/16 where:

“The Board noted the advertisement was for a massage parlour which employed women in bikinis and considered that as such it was not inappropriate for the advertisement to include images of women in bikinis.

The Board noted the image of the woman with her breasts fully exposed on the back of the advertisement and considered that this level of nudity was inappropriate for a flyer which may be seen by a broad audience.

The Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.”

The Board noted in the current advertisement that one of the women depicted is naked and considered that although her nipples are hidden by text, a significant part of her breast is visible and in the Board’s view is not appropriate for unsolicited mail which would be viewed by a broad audience including children.

The Board noted the second image features a woman wearing a bra-style top and considered that the amount of naked breast on display is also significant and not appropriate for unsolicited mail which would be viewed by a broad audience including children.

The Board noted the reference in the advertisement to ‘hottest young girls’ and considered that no ages are provided and the term ‘young’ is hard to quantify in the absence of any context. The Board acknowledged that many members of the community could find the promotion of young girls, and the request for girls to contact the advertiser, to be distasteful but considered that the women do not look like children and the wording in the advertisement is not strongly sexualised or inappropriate in the context of the advertised service.

Overall the Board considered that the two images of women used in the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement breached Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.4 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser did not provide a response to the Board's determination. The ASB will continue to seek compliance.

