



Case Report

1	Case Number	0394/17
2	Advertiser	The Firm Gentlemens Club
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	13/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

There are two images in this advertisement displayed on a digital billboard in the window of The Firm gentlemen's club. Both images feature a blond haired model: in the first image her hands are cradling her naked breasts, in the second image she is wearing a white top with straps covering her nipples.

THE COMPLAINT

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

This is really inappropriate content for the public to have to see. I would be horrified if kids saw this, it's basically porn with the woman's nipples covered by her own hands.

THE ADVERTISER'S RESPONSE

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

A description of the Advertisement

This poster was created to suit the nature of our business, it was never made to insult or to discriminate against any member of the public.

The poster portrays the top half of a blond haired lady with her hand fully covering her breasts, with text that states “The Firm”.

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.istockphoto.com/au/photo/sexy-young-girl-shows-buttocks-gm469606630-61580998>

After purchasing this image, our marketing manager edited the poster describing the event.

Comprehensive comments in relation to the complaint

We believe the image was photographed by A “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 “ISTOCK”.

The image was never designed to concentrate on any particular part of the model’s 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 “Istock” all very similar poses.

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 anyone.

“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 (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 images of woman rubbing their breasts which 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 that this digital billboard advertisement features two images of the torso and head of the same woman. In one image the woman is cupping her naked breasts, in the other the straps of her top cover her nipples.

The Board noted that some members of the community may find gentlemen’s clubs offensive, and in turn any related advertising also offensive in nature. The Board noted that such clubs are allowed to be advertised.

The Board noted the complainant’s concern about the level of nudity in the advertisement, and in particular the image of the woman cupping her naked breasts.

The Board noted it had previously dismissed a complaint about a similar image in case 0366/17 where:

“The Board then noted the image of the woman holding her boxing-glove clad hands up against her naked breasts. The Board noted that the woman’s nipples are covered and considered that the level of nudity is not excessive and is consistent with the level of nudity in advertisements for lingerie or beachwear. The Board noted however that the advertised product is sportswear and equipment, not lingerie or beachwear, and considered that the use of a half-naked woman to promote this product is not relevant. The Board noted the pose of the woman and considered that she is depicted as confident and in control and in the Board’s view, whilst the woman is clearly not wearing a top, the manner in which she is presented is not otherwise sexualised.”

The Board noted that the images used in the current advertisement are clearly related to the product being advertised and considered that it is custom to use images of scantily clad women when promoting a gentlemen’s club.

The Board noted the nudity in the advertisement and considered that the woman’s nipples are covered in both images and the level of nudity is sexually suggestive but is not explicit or inappropriate for an outdoors advertisement for a Gentlemen’s Club.

The Board noted the poses of the woman and considered that, unlike in case 0366/17 where the woman was presented in a non-sexualised manner and context, the image of the woman cupping her naked breasts is a sexualised image and the image of the woman with thin straps covering her naked breasts is also sexualised. The Board noted however that the advertisement is in the window of a Gentlemen’s Club and considered that the location of the club opposite a casino in an area not frequented by children, and the fact that the digital billboard is not lit up during the day, means that the content of the advertisement is not inappropriate for the relevant audience of adults and in the context of the advertiser’s business.

The Board acknowledged that it is possible that some children may see the billboard but considered that the woman’s nipples are covered in both images.

Consistent with previous determinations for similar advertisements (0047/13, 0100/16) 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.