



## Case Report

1	Case Number	0405/16
2	Advertiser	Showgirls
3	Product	Sex Industry
4	Type of Advertisement / media	Poster
5	Date of Determination	28/09/2016
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a poster outside of the Showgirls' premises. The image is a woman from the rear, looking over her shoulder. She is wearing a black g-string and suspenders, revealing her buttocks.

### THE COMPLAINT

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

*The woman has been positioned in a 'booty pose' identical to pornographic content, and this is on display to children, teens, and any member of the public passing by. It is completely inappropriate and irresponsible for an adult venue to be advertising this content in a shopping mall. Pornographic content is not appropriate to be shown in a public space such as a shopping mall. The image is highly sexualised, and identical to pornographic content. This is the aim of the advertiser, as they are an adult venue.*

### THE ADVERTISER'S RESPONSE

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

*The advertiser provided 2 images - one taken by night and the other by day - to demonstrate that by day it is very difficult to see the image at all. The advertiser provided no additional comments.*

## **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 a sexualised image of woman in a g-string on display in a shopping mall which is not appropriate.

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

The Board then 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 this poster advertisement outside the advertiser’s premises features an image of a woman in black lingerie with the text, “Showgirls. Dancers wanted. Earn big \$\$\$ tonight!”

The Board noted the advertisement is promoting the venue as well as recruiting dancers. The Board noted the Practice Note for Section 2.2 which provides the following definitions:

- “Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;
- Degrading means lowering in character or quality a person or group of persons.”

The Board considered that the use of a woman in an advertisement for a gentlemen’s club which is hiring female dancers is relevant to the advertised product/service. The Board acknowledged that some members of the community would prefer this type of product/service not be advertised but considered that this product/service is legally allowed to be advertised and in the Board’s view the image itself does not debase or abuse a person for the enjoyment of others given the nature of the advertiser’s business.

The Board noted the pose of the woman wearing lingerie and looking over her shoulder and considered that she appears confident and in control and, in the context of an advertisement for female dancers, it is not degrading to depict a woman in this manner.

The Board considered that the advertisement did not employ sexual appeal in a manner that is both exploitative and degrading to women.

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 that the woman in the advertisement is wearing black lingerie which includes a g-string and stockings and suspenders.

The Board noted the distinction between the target audience of the advertiser and the relevant audience of the advertisement. The Board noted that this poster advertisement is displayed in the advertiser’s venue’s window and this venue is part of a shopping area/precinct where any member of the public could view it. The Board noted the advertiser’s response that the image is not lit up during the day so is harder to see but considered that the advertiser does not have any control over what time children would be walking past this advertisement.

A minority of the Board considered that the woman’s private areas are covered and while her bottom is largely visible as the image is taken of rear of the woman, the text across the woman’s buttocks minimises the level of nudity of this area.

The majority of the Board noted that the woman’s nipples and genitals are not visible but considered that most of her bottom is on display and the placement of the writing across her buttocks draws further attention to this part of her body. The Board noted that a level of nudity is not uncommon in advertisements for this type of product or service but considered that in this instance, consistent with a previous determination in case 0361/15, the level of nudity is impactful and not appropriate for a broad audience which includes children.

The Board noted the pose of the woman and the style of lingerie she is wearing. The majority of the Board considered that the style of lingerie is sexy and the placement of the woman’s hand above her breast and her pose (looking over her shoulder) is suggestive of the woman being caught in the act of undressing and in the Board’s view the overall impact is sexualised. The Board noted that the audience would be very broad and would include children and considered that the advertisement is too sexualised for this relevant audience.

Based on the above, the majority of the Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did breach 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**

We apologise for the image and will have it removed by close of business Friday October 14th. Any future images will be presented in a manner that reflects your suggested advertising standards.

