



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	<b>Case Number</b>	<b>0406/18</b>
2	<b>Advertiser</b>	<b>The Firm Gentlemens Club</b>
3	<b>Product</b>	<b>Sex Industry</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>26/09/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement begins with a woman wearing black lingerie pulling up her stocking. The scene cuts a stage with two poles and women dancing and then to whiskey bottles on a bar. The final scene shows a man sitting surrounded by four women in lingerie. The advertisement voiceover states "fantasies beyond your wildest dreams. The Firm Gentleman's Club, catering to your desires every Wednesday to Sunday".

### THE COMPLAINT

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

*I don't care if kids aren't awake at the time it airs, but seeing female nipple and backsides in next to no clothing is too much. Since when was it okay to show nipple on free to air TV?*

### THE ADVERTISER'S RESPONSE



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

*To whom it may concern,*

*With my response to complaint 0406/18 I hereby supply the requested information.*

*If our television commercial breached any of the codes we would not have been granted Approval upon submission to CAD. We have also considered the MA15+ Mature Adult A Classification that was granted in relation to on air times and on the advice of our accredited advertising agency, it was mutually decided to follow the MA/S S classification, even though our club does not provide sex services or products of any kind.*

*The Firm ads are scheduled to be aired on Channel Ten from 11pm till late every second week and from 11:30pm every second week again on 7Mate.*

*At no time do I or anyone connected with The Firm, or the agency intentionally seek to promote sexual violence, discriminate or vilify any gender, at any time with our club's television commercial. We only wish to advertise our club in accordance with this state's broadcasting rules and regulations which we believe have been followed.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement contains nudity.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered the television advertisement depicts a woman wearing black lingerie pulling up her stockings, women pole dancing and a man sitting surrounded by four women.

The Panel 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 Panel noted that the television advertisement had been given an 'S' rating by CAD which means that the advertisement may only be broadcast within an MA viewing period, between the hours of 11.00pm and 5.00am on any day. The Panel noted the complainant indicated that the advertisement was viewed during this time.



The Panel noted the complainants' concerns that the advertisement clearly depicts nipples, which is inappropriate for free-to-air television.

The Panel noted that in the opening scene of the advertisement the woman's nipples are clearly visible through her lingerie.

The Panel noted that the practice note for Section 2.4 of the Code provides that "Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience...Images of nipples may be acceptable in advertisements for plastic surgery or art exhibits for example."

The Panel noted that it had previously found that advertisement which feature sexualised images of women where their nipples were visible were in breach of this Section of the Code, including cases 0307/17, 0345/18, 0346/17 and 0348/18 and 0369/18. However, the Panel noted that the relevant audience for each of these cases was broad and would include children.

In the current advertisement, the Panel considered that the CAD rating of the advertisement ensured that the broadcast of the advertisement was restricted to an adult audience and was unlikely to be seen by children.

The Panel considered that the image of the woman in see-through lingerie was fleeting and was not the primary focus of the advertisement, and considered that this image was not inappropriate for an adult audience.

The Panel considered that the advertisement featured imagery that was relevant to the product being sold and did not contain explicit nudity or images of genitalia.

The Panel acknowledged that some members of the community would prefer for this type of business not to be advertised on free-to-air television, but considered that in the context of a business which is legally able to advertise their products, this advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience of an 'S' rated advertisement and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

