



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0498/18
2	Advertiser	Kittens
3	Product	Sex Industry
4	Type of Advertisement / media	Billboard
5	Date of Determination	12/12/2018
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features a woman lying on her stomach with her feet raised near her buttocks and her thumb on her lips. The text states "Kittens car Wash".

THE COMPLAINT

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

It's sexist and degrading to women. It encourages the notion that women's bodies are for the sexual gratification of men. It's in a highly visible area where families with children (including myself) pass by every day. It's also primarily there to promote the associated strip club and as such is advertising sexual services in a prominent public position.



It is demeaning and overtly sexual for a company who only wash cars. The workers wear bikinis to wash your car but the billboard is also to promote the strip club also called Kittens. It is on a prominent corner of a high traffic area.

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

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 complainants' concerns that the advertisement is sexist, degrading to women, and overtly sexual.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel noted that the advertised product is a bikini car wash and the advertiser is justified in depicting imagery to describe the service provided that in doing so it meets the provisions of the Code.

The Panel 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 or degrading of any individual or group of people."

The Panel noted the complainants' concerns that the advertisement is exploitative and/or degrading to women.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the billboard advertisement featured a woman lying on her stomach with her feet raised and her thumb on her lip. The woman appeared to be wearing intimate apparel and her pose exposed the majority of her back and the side of her buttocks. The Panel considered that the amount of flesh displayed in combination with the woman's pose did constitute a use of sexual appeal.

The Panel then considered whether the advertisement is exploitative or degrading.



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

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel first considered part (a) of the definition of exploitative.

The minority of the Panel considered that the depiction of a woman in lingerie is relevant to the sexualised service of a bikini car wash and that the woman is not depicted as an object or commodity.

The majority of the Panel considered that the woman's body is being used as an object to advertise the service of women washing cars in bikinis. The Panel noted that the model is not pictured wearing a bikini or with any car washing products and that she is depicted lying down with her bottom in the air. The majority considered that this depicts an image of a sexualised woman that is not relevant to the advertised product and considered that the use of the image of a woman in lingerie to promote a car wash is exploitative as it presents the woman as an object.

The Panel then considered part (b) of the definition of exploitative. The Panel considered that the advertisement does focus on the woman's bottom.

A minority of the Panel considered that the depiction of the woman in conjunction with the business name which states "car wash" would be considered by most members of the community to be advertising a lingerie or bikini car wash and therefore the depiction of the woman and the focus on her bottom is directly relevant to the service and is not exploitative.

The majority of the Panel considered however that the service advertised is a car wash, and the focus on the woman's body parts, her buttocks in particular bears no direct relevance to a car washing service and is exploitative.

The Panel determined that the advertisement did employ sexual appeal which was exploitative of the woman pictured and did breach Section 2.2 of the Code.

The Panel 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 Panel noted a complainant's concern that the advertisement is there to promote the associated strip club and as such is advertising sexual services in a public location.



The Panel noted that whether or not a sex related product or service is allowed to be advertised is a matter for government and the charter of the Panel is to consider the content of advertisements within the context of the Code of Ethics.

The Panel then noted the complainants' concerns that the advertisement is overtly sexual and is inappropriate for children.

The Panel noted that this billboard advertisement is located on a busy road and was visible to people walking and driving past the business, and considered that the relevant audience for this poster would be broad and would include children.

The Panel noted it had dismissed a similar advertisement for the same advertiser in case 0437/14 in which:

"A minority of the Board considered that the image in the current advertisement was not appropriate for display above a car wash venue as the image is sexualised and features a woman in a submissive position.

"Following considerable discussion however the majority of the Board noted that it had previously dismissed similar images both for the same advertiser (0286/12) and in case 0047/13 and considered that in the current advertisement, unlike the image in case 0225/10 (in which a woman is depicted lying down with her head turned away from the viewer and her back arched), the woman's head is turned towards the camera and her breasts are more covered.

"The majority of the Board noted that the billboard is located above the car wash premises and considered that in the context of a bikini carwash the content of the advertisement was not inappropriate. The Board noted the complainant's concern about the current billboard being easily viewed by children but considered that the level of nudity is consistent with similar images for lingerie advertising and that the pose of the woman is not overtly sexual."

In the current case, a minority of the Panel noted the depiction of clothing on the model, and considered that the woman's breasts and genitals are not visible, and the depiction of the side of her buttocks is not inappropriate. The minority noted that the woman is clearly wearing some form of clothing, and considered that her pose is not too sexualised for a public billboard.

The majority of the Panel however considered that the pose of the woman is seductive and highly sexualised, particularly considering the woman's thumb to her mouth, the sheer lingerie, stiletto shoes and sexualised pose with her bottom in the air. The majority considered that the imagery included on the billboard is strongly sexualised and is visible to a broad audience which is likely to include children.



In the Panel's view the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.2 and 2.4 of the Code the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the advertiser and other industry bodies regarding this issue of non-compliance.

THE DETERMINATION ON REVIEW