



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0530/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Club Minx</b>
<b>3</b>	<b>Product</b>	<b>Sex Industry</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/02/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

TV ad for Minx Strip Club in Brisbane shows a close up of a woman's face and then a woman in a white dress in a semi reclined position and a woman walking toward a bar in red dress. Details of the premises location appear at the end of the advertisement.

## THE COMPLAINT

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

*Inappropriate material- derogatory towards women*

## 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 provide a response.*

## 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 concern that the advertisement features inappropriate material which is derogatory towards women.

The Board viewed the advertisement and noted the advertiser did not provide a response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the advertisement features two women one wearing white and one wearing red. The woman in white is semi-reclined and her face is not seen. The woman in red is seen walking toward the bar where the words “Minx” are displayed across the front of the bar. The final shot shows the address details of the venue.

The Board noted that the venue is a Gentleman’s Club located in Brisbane that includes exotic dancers and strip shows as well as other services and entertainment.

The Board noted that both the women are dressed in dresses that fully cover their bodies. The Board agreed that the position of the woman in the white dress in a semi-reclined position, does amount to a pose that is mildly sexualised. The Board considered that the image is clearly relevant to the venue being promoted and the image simply shows a woman leaning back on a lounge. The Board agreed that the pose of the woman does not amount to a sexual pose that is derogatory toward women.

The Board agreed that although the product is able to be advertised and in this case the concept of a gentlemen’s club in general may be offensive to some members of the community the promotional material does not depict material that discriminates against a section of the community on account of gender and does not breach Section 2.1 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 it had recently dismissed complaints for a print advertisement for AC’s Striptease (case 0438/13) that featured a woman sitting on her heels dressed in a bikini top and suspenders. In that matter the Board considered that “the model is wearing lingerie and her private areas are covered. The Board noted that the advertiser is legally allowed to advertise its particular service and that the manner in which the model is dressed is relevant to the product being advertised.”

Consistent with the decision above, the Board considered that the women are fully covered and there is no inappropriate nudity. The Board noted the advertisement was given an “M” rating by CAD and that the advertisement was aired in the appropriate timeslot for the rating. 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.

