



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0554/18
2	Advertiser	Kittens
3	Product	Sex Industry
4	Type of Advertisement / media	Transport
5	Date of Determination	23/01/2019
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 transport advertisement is for a gentlemen's club. The side features a woman in a pink bra and underpants laying down. The back features five women in underwear.

THE COMPLAINT

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

Private citizens travelling in public spaces should not be confronted by images that are contrary to our community standards. This bus would have been passed by countless families, including young children, teenagers, parents whilst travelling along Punt Rd.

The visual imagery of women dressed in lingerie in sexually provocative poses had a menacing undertone, as all the windows on the bus were completely blacked out (apart from the driver's window).



At a time when our community is increasingly aware of how our urban environment shapes the attitudes of young men and women towards issues such as gender equality, domestic violence and sexual assault, I believe it is inappropriate and unacceptable for vehicles with this type of imagery to travel along our public roads.

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 complainant's concern that the advertisement contained sexual imagery of women which was inappropriate for a public area.

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

The Panel noted that the advertised product is a party bus service where women from the strip club will entertain the people aboard.

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 first considered whether the advertisement used sexual appeal.

The Panel noted the transport advertisement featured two separate images. The Panel noted that on the back of the bus a picture of five women in lingerie was displayed and on the side of the bus there is a large image of a woman wearing lingerie and heels. The woman is lying on her back with her arms crossed and her knees bent. The Panel considered that this advertisement used sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner which 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 Panel noted that it had considered an advertisement for a similar service in case 0353/18, in which:

“The Panel considered that there was a focus on the woman’s breasts in the advertisement, however noted that the advertised product is a nightclub which features scantily clad women as part of its service. The Panel considered that the image used in the advertisement is clearly related to the product being advertised.

The Panel considered that the advertisement did not suggest the woman was an object, or was for sale, rather the image of the woman directly related to the services being advertised.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.”

The minority of the Panel considered that the depiction of the woman lying on her back with her back arched and her legs slightly open was a depiction which suggested the woman was a commodity and was available for use by men.

Consistent with the determination in case 0353/18, the majority of the Panel considered that the product or service being advertised was an adult service with women and that the advertisement did not suggest the women were objects, or for sale, rather the image of the women directly related to the services being advertised.

The Panel considered that the advertisement did not use sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel then considered whether the advertisement used sexual appeal in a degrading manner.

The Panel considered that the advertisement’s depiction of women suggesting that they work at the premise advertisement, and considered that the advertisement did not depict the women in a way which lowered them in character or quality.

The Panel considered that the advertisement did not use sexual appeal in a degrading



manner.

The Panel determined that the advertisement did not employ sexual appeal which was exploitative or degrading of the women pictured and did not 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 the complainants’ concerns that the advertisement is overtly sexual and is inappropriate for children.

The Panel noted that this transport advertisement would be visible to people walking and driving in the area, and considered that the relevant audience would be broad and would include children.

The Panel first considered the image of five women on the rear of the bus.

The Panel noted there were five women depicted, including one woman who is topless and covering her breasts with her hands, and another woman in a g-string whose back is facing the viewer.

A minority of the Panel considered that the images were sexualised and that the advertisement contained a level of nudity which would not be appropriate for a broad audience.

The majority of the Panel considered that the grouping of the woman meant that there was no focus on any particular woman. The majority of the Panel considered that the women were appropriately covered and there were no exposed breasts or genitals. The majority of the Panel considered the overall impression of the image on the back of the vehicle would not be inappropriate for a broad audience.

The Panel then considered the image of the reclining woman on the side of the bus.

The Panel noted it had upheld a similar advertisement for the same advertiser in case 0225/10 in which:

“The Board noted that the advertisement is featured on the front, side and back of a bus and expressed concern that the medium on which the advertisement appears is available for viewing by a broad audience. The Board considered that the image in the advertisement is sexualised and the size and repetition of the advertisement means that it is clearly available for viewing by a broad audience. In the Board’s view the overall impact of the advertisement is sexually suggestive and brings the issue of sex



to all who see it, including children. The Board determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and therefore breaches section 2.3 of the Code.”

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 that there was no inappropriate nudity. The minority considered that the woman was appropriately dressed and 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 legs being slightly open, her back arched and her eyes closed. The majority of the Panel noted the woman was wearing lingerie, however considered that a lot of the woman’s skin was still exposed. The majority of the Panel considered that given the size of the picture of the woman on the side of the bus, the sexualised pose of the woman was heightened and the focus of the advertisement. The majority of the Panel considered the large, sexualised image of the reclining woman did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

In the Panel’s view the advertisement did breach Section 2.4 of the Code.

Finding that the advertisement breached Section 2.4 of the Code the Panel upheld the complaint.

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 relevant authorities regarding this issue of non-compliance.