



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 379/07  |
| 2. Advertiser                 | Spearmint Rhino Gentleman's Club                |
| 3. Product                    | Other   |
| 4. Type of advertisement      | Outdoor   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Monday, 19 November 2007                        |
| 7. DETERMINATION              | Dismissed                                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This outdoor advertisement features a woman's face, half obscured by a wide-brimmed black hat and the words "Spearmint Rhino Gentlemen's Club."

## **THE COMPLAINT**

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

*I express deep concerns regarding the recent content material on the elevated billboard poster, situation over shop premises of the Kew Junction. The advertising space is not the area of concern, rather the contents of the material displayed frequently on the billboard itself. On any given weekday morning, the ominous juxtaposition of a strip club advertisement, poised above dozens and dozens of school children waiting for trams, can be viewed. What do such advertising campaigns say to pre-adolescent boys about sex, leisure and relationships with woman? What blatant messages do these posters send to older teenage girls about trusting men, bodily respect and emotional confidence? I make a petition with your office for the removal of the current advertisement displayed on this billboard space. I make a secondary request with your office for the screening of all future ads displayed in this space to undergo censorship. Advertisements that are sexually explicit in content material or visual form are not to be permitted within the billboard space.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*The Spearmint Rhino conducts itself as a respectable upmarket venue for people who enjoy adult entertainment. That being said, we understand that our type of business/entertainment is under constant scrutiny from outside sources. As such, our advertising campaigns are purposefully done in a more tasteful manner than many other businesses to not only reflect our more professional and upscale way of conducting business, but also to curb additional scrutiny or bad feeling from within our community.*

*The billboard ad in question is honestly a very tame but powerful demonstration of our efforts to be classy and tasteful. The ad is in no way demeaning to women. The ad does not send any negative message whatsoever to older teenage girls about confidence or trusting men nor does this ad send any type of improper message to pre-adolescent males as the complainant suggests.*

*I humbly ask that the Advertising Standards Board denies the complainant's request for removal and censorship of this billboard.*

## **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 about the content of this billboard. The Board considered that the complainant's primary concern was with the advertised product ie: an adult entertainment club, rather than the particular image and text used in the advertisement. The Board noted that the club, presumably a legal venue, is able to be advertised provided that such advertisement complies with the requirements of the Code.

The Board considered that the inclusion of a picture of a woman in the advertisement was not in this advertisement discrimination or vilification of women as women are legitimate employees in such clubs.

The Board also considered that the particular image of the woman was tasteful, not overtly sexual and that there was no direct reference to sex or nude people.

The Board then considered the language used in the advertisement and considered that the language used, while clearly indicating the nature of the premises, was not of itself strong or obscene.

Finding that the advertisement did not breach the Code on other any grounds, the Board dismissed the complaint.