



CASE REPORT

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| 1. Complaint reference number | 89/07 |
| 2. Advertiser | Main Street Night Club |
| 3. Product | Entertainment |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 10 April 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features the upper torso of a naked blonde woman with gold stars covering her nipples and the words "Topless barmaids tonight!"

THE COMPLAINT

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

I find this to be offensive, the newspaper is read by adults and children and I believe this is inappropriate (pornographic) for general viewing.

THE ADVERTISER'S RESPONSE

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

Our ads are published by the Daily Mercury on a weekly basis and all ads must comply with their advertising standards or they will not be published. For this reason we find it hard to believe that this section of the ad could be classed as inappropriate and by no means (pornographic). Should you feel otherwise I am sure that the Daily Mercury would be more than obliging to discuss the matter further with you; and that main Street Nightclub would be more than willing to alter the advertisement as seen fit.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the advertisement and considered whether it breached Section 2.3 of the Code dealing with sex, sexuality and nudity. The Board noted the complainants' comments that the advertisement was pornographic.

The Board considered the image of the woman's chest in the advertisement and noted that her nipples were covered by stars. The Board agreed that the image of the woman's chest was acceptable, though it was at the extreme end of what was considered acceptable in a general print publication.

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